

T H E
Parliamentary Register;

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H I S T O R Y

O F T H E

PROCEEDINGS AND DEBATES

O F T H E

HOUSE OF LORDS;

CONTAINING AN ACCOUNT OF
The most interesting SPEECHES, MOTIONS,
PROTESTS, PETITIONS, &c.

DURING THE

THIRD SESSION of the FOURTEENTH PARLIAMENT

O F

G R E A T B R I T A I N :

WITH A LIST OF

The ACTS passed in this SESSION.

V O L. VII.

L O N D O N :

Printed for J. ALMON, opposite BURLINGTON-HOUSE,
in PICCADILLY.

M,DCC,LXXVII.

Parliamentary Register

HISTORY

PROCEEDINGS AND DEBATES

HOUSE OF LORDS

CONTAINING AN ACCOUNT OF
THE WORKING OF THE
PARLIAMENTARY SYSTEM

THE HISTORY OF THE HOUSE OF LORDS

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LONDON

Printed by J. G. Allen, 10, Bedford Square, W.C.1
and by J. G. Allen, 10, Bedford Square, W.C.1

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H I S T O R Y
O F T H E

PROCEEDINGS and DEBATES

Of the THIRD SESSION of the

H O U S E of L O R D S

O F T H E

Fourteenth Parliament of *Great-Britain*.

THIS session was opened with a speech by the King, on the 31st of October, 1776; which speech being already printed with the debates of the House of Commons of this session, it would be improper to repeat it.

The address was moved by the Earl of *Carlisle*, who said, ^{Earl of Carlisle.} that he rose with great reluctance, knowing his own incapacity either to take the lead on so important an occasion, the most so this country ever before experienced, or to pay that just tribute of thanks due to the gracious speech from the throne; a speech, he would venture to affirm, replete with the strongest marks of sound policy, royal wisdom, and paternal tenderness, for the prosperity, happiness, and freedom of all his subjects. His Lordship observed, that the nation had been brought into its present critical and dangerous situation by the arts of designing, ambitious men; and he could not, while he lamented the influence the leaders in America had over their deluded infatuated brethren, help remarking, that the present daring and open hostilities commenced, abetted, and avowed, which preceded their declaration of independency, would never have happened, if that disobedient, traiterous spirit had not been fomented, nourished, and strengthened by a set of men in this country, who, deserting its interests, shamefully sacrificed them to their personal views of faction and ambition. He said, the ground taken on this occasion, became dangerous in proportion to its plausibility; for it was, indeed, hardly conceivable, that the people of America,

who owed so many obligations to the parent state, who were at once bound to it by every tie of gratitude and interest, and every bond of union which nature and affection could render sacred, would ever break and cancel them all, without any real provocation : but the event has proved the contrary ; and as the noble Lords on the other side the House founded their opposition on the idea, that America never did aim at independency, he trusted now that the question had totally altered its nature ; the consequence of such alteration would be an unanimity as complete, as he was assured it would be decisive in restoring peace to this distracted and divided empire.

His Lordship commented on several parts of the speech from the throne, particularly on the zeal and bravery of the King's troops, the recovery of Canada, and the late success on Long Island. He spoke with warmth upon the insolence of the rebels (as he called them) in refusing to treat with the commissioners appointed by his Majesty. He bestowed several harsh expressions on the conduct and behaviour of the congress ; spoke of the necessity of vigorously exerting ourselves in the course of the ensuing campaign, in order to repair the repeated injuries, and to heal the wounds the constitution and interests of this country have received from its base and unnatural children ; and concluded with assuring their Lordships, that he did not entertain a single doubt but that ample reparation would be obtained, and that the whole would in the end terminate to the mutual happiness and advantage of both countries. His Lordship then moved the address in the usual form.

Earl *Fauconberg*.

Earl *Fauconberg* seconded the motion. His Lordship observed, that the question between Great-Britain and America was changed ; the original one, relative to taxation, no longer existing. The alternative was now, whether we should for ever relinquish America, and submit to the consequences which must inevitably ensue from our giving up all future pretensions to a superiority over that country ? or, considering the great and important stake for which we are contending, make one vigorous effort to bring its deluded inhabitants back to a proper sense of their duty ? He was for the latter.

Marquis of *Rockingham*.

The Marquis of *Rockingham* condemned, in very strong terms, the contents of the speech, which he treated as the speech of the minister. He remarked on the following passage in the speech : “ No people ever enjoyed greater hap-

piness,

piness, or lived under a milder government, than those now revolted provinces, the improvements in every art of which they boast declared it ; their number, their wealth, their strength by sea and land, which they think sufficient to make head against the whole power of the mother country, are irrefragable proofs of it." This passage, his Lordship contended, was a *virtual* censure of the present administration, and pointed out the impolicy of forcing such a people into rebellion. It proved, beyond question, the great advantages of a mild government, and the evils resulting from a cruel and oppressive one. He presumed, that ministers would hardly pretend to say, that it was the present system of measures, under which this people throve, and rose to that pitch of opulence and strength, they themselves had given so lively and apt a description of ; if it was *not*, but that it evidently impeded instead of augmenting this state of domestic prosperity, it followed of course, that America owed its greatness to a system of mild government ; and that a direct deviation, or total abandonment of that system, was what gave occasion to the present cruel and unnatural civil war. He said, whatever colour might be now given to the present state of affairs, taxation was the original cause ; and he still continued to think, as he had always declared himself, that the only sure constitutional taxes which could, or ought to be drawn from the colonies, would be the monopoly of their trade ; and the other great advantages drawn from their constitutional dependency and connection with the parent state ; and though the right were clearly on our side, nay, even that there were some degree of necessity for exercising it, yet when the real disposition of the people came to be known, their resources, strength, and numbers, came to be revealed, and the enormous expence of prosecuting such an expensive war, at so great a distance, was properly considered ; motives of expediency in the first instance, and considerations of the possible impracticability of such an attempt, united, would induce him for ~~one~~ to consent to any reasonable terms of accommodation. What (says his Lordship) do ministers tell us this day ? They come forward, and, through the medium of the speech, write a panegyric on their own conduct. I will put the whole of their defence on this short issue, without entering into particulars : I will leave the decision with themselves. I ask them, in the whole course of their extensive reading, knowledge, experience, or to the utmost stretch of their belief, whether they ever heard, or can now be per-

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suaded

suaded to think, that a whole people, so numerous, and living under so many different forms of government, though members of the same political body, ever unanimously confederated to join in a revolt, under a mild, wise, and equitable administration of public affairs relative to America. His Lordship besides arraigned the principle on which the measures have been all along conducted and supported, that of unconditional submission. He said, the idea was abhorrent to the subjects of this free government; that *Englishmen*, whatever their local situation may be, know no obedience to any thing but the laws; and that when the protection of the laws was taken away in several instances, particularly by the capture act, when they were declared open *enemies*, and put out of the King's peace, it was impossible for them to do otherwise than they did. If they declared themselves independent, it was long after they were declared enemies; and for his part he could not possibly see what degree of obedience was *due*, where public protection was openly *withdrawn*.

His Lordship then moved an amendment, the same amendment which Lord John Cavendish moved in the House of Commons. (*See the Commons Debates of this session, page 8.*)

Duke of
Manchester.

The Duke of *Manchester* drew a parallel between the present state of the British empire, and that of antient Rome in its decline. He observed, in one, as the other, the mere *forms* of the constitution were preserved long after every effort of despotism and arbitrary power were felt in their fullest extent. Imperial Rome oppressed her provinces and dependencies, like Britain; her subjects bowed under the yoke of the most insupportable oppression, like that endeavoured to be inflicted on our colonists; and he did not hesitate to foretell, that as in one instance the distant subjects of that proud, overbearing mistress of the universe, by the injustice and severity of her government, forced her provinces to resist her lawless power; so in the other this country had alienated the obedience and affection of her American subjects, which would bring on a dismemberment of the empire, and would probably terminate in a total dissolution of this government.

His Grace remarked on that passage in the speech (the whole of which he imputed to the minister) relative to assurances of amity, said to be received from the several courts of Europe, in a very pointed manner. He said, it contained the most *improbable* information that could be well conceived, unless we supposed, that the framers of the speech, and those who advised the present naval armaments, thought differently

rently on the same day ; or were not the same persons ; for if assurances were given, and that they were to be depended on, why have recourse to that mode of manning our navy, a press, which was known to be fraught with so many hardships and inconveniences, and which should never be resorted to, but in seasons of difficulty and danger ? If, on the other hand, those assurances of amity were not to be relied on, why deceive the public and Parliament in so gross and flagrant a manner ? Why delude them into a dangerous repose ? Why tell them, on the eve of a rupture, that we were in a state of perfect tranquility ? But his Grace insisted, that we ought not, in the present situation of affairs, to trust either to assurances, however strong, or reasons however plausible, when facts were so evidently against them. He had, he said, the most undoubted information, that whatever those assurances might be, they ought not to be relied on ; a matter having come to his own knowledge, or at least it came so well authenticated, that he was perfectly satisfied of its being indisputably true. He should just mention it for the present, presuming if it were false it would be contradicted, in which case he should quote his authority ; if it were not, then it would remain at least a strong circumstantial contradiction to that part of the address. The fact was, that a gentleman, on whose veracity he could depend, assured him, that he had been at Havre de Grace some short time since, where he saw a vessel publicly loading with fire arms and other military stores, for the use of the provincials. If, in the language of the speech, the Americans were to be esteemed rebels, and if rebels in arms were to be looked upon as open enemies, the fact now alluded to was an irrefragable proof, that France, at least at present, was in the first stage of open enmity with Great Britain.

His Grace then contradicted the substantial information of the speech on another ground. He said, that it was now no secret, that a fleet had lately sailed from Cadiz, with a considerable body of land forces on board. This armament must be destined to carry on hostilities against us in some part of the western world, or for South America, to be employed against the Portuguese. Supposing the former not to be the case, no doubt could be entertained of the latter, which came exactly to the same point ; because, if Portugal were attacked, Britain must consequently be involved in a war, unless we broke our engagements with Portugal, and sacrificed our dearest interests to the blind rage of making a conquest

quest of our fellow-subjects in America. We were bound by treaty, he insisted, to support and defend Portugal; our interests, as well as solemn engagement, compelled us to it. The difference was therefore very little, whether France or Spain broke with us openly, or in this round about, indirect manner, the consequences would be the same; we should in the end find ourselves engaged in a war with the united force of the House of Bourbon. Portugal had already given us the highest instance in their power of their friendship; they had forbid the provincials from entering their ports. Had France or Spain done so? The contrary was notorious. If then, taking the question in either light, as an attack of Spain on our ally, or the open encouragement given to our subjects now in arms against us, he wished to know from administration what requisitions had been made on our part, to bring the courts of Versailles and Madrid to an explanation on those very important points; what was the effect of those requisitions; and what we had now finally, at so critical a period, to depend on?---His Grace concluded by observing, that no reliance was to be had at any time on the pacific assurances of those courts, much less when their conduct contradicted them; that therefore a tame acquiescence in whatever measures they might think proper to adopt, or an immediate war with those powers, was inevitable, which, considering the present distracted and almost exhausted state of this country, threatened no less than its total ruin. He had foreseen this from the beginning; he had often foretold it. He was in future determined to lament it in silence, as all further efforts, he perceived, would be in vain: however, as the last attempt, he very readily joined in the amendment moved by his noble friend [*the Marquis of Rockingham.*] The speech was no more than a recommendation of the same ruinous system of measures, which had brought us into our present perilous and tremendous situation; if the amendment was agreed to, it would give the House time to consider and devise some means of averting the innumerable dangers with which we were now surrounded; the first salutary and effectual step to which would, in his opinion, be the appointing a committee to enquire into the state of the nation, in order to discover the source of our present calamities, and to devise remedies the best suited to their cure and removal.

Ld. Cardiff. Lord *Cardiff* [Lord Mountstewart] declared the colonists to be exceedingly ungrateful. He said, from their first emigration from this country, and settlement in America, they

they had manifested a most disloyal and republican spirit; in proportion to the favours we had heaped upon them, the protection we had afforded, the encouragement we had given them in free ports, bounties, and premiums, and the blood and treasure we had spilt and lavished in their service, they had been disobedient, turbulent, and ungrateful; that our strength and finances had been wasted in defending and covering them from a dangerous and superior enemy during the late war, to a degree, he feared, that would not shortly, if ever, be recovered: and now the return we met with was, to be involved in a bloody, expensive contest, on the issue of which the dearest interests of this country were staked, perhaps its very existence as a great commercial and maritime power. He trusted, however, such being the provocations on our part, and such the unparalleled baseness on theirs, that the spirit of the British nation would be roused, so as to take the necessary measures for their effectual chastisement. He could not, he said, agree with the amendment proposed by the noble Marquis, for many cogent reasons; but for none more, than that it brought matters forward, which at least for the present formed no part of the question. If ministers had neglected their duty; if they suffered themselves to be deceived; if they missed parliament; those might be all proper objects of enquiry at a suitable and convenient season. That was not the subject of the present address; the only matter now under discussion, or worthy of debate, was, what is the present state and condition of our colonies? What are the resolution and final determination of our subjects in America? Have they not declared themselves an independent state? Are not they in arms in support of that independency? Have not they pulled off the masque, and avowed themselves open enemies? The question of taxation alluded to by the noble Marquis, is now totally lost, or buried in an obstinate and loud appeal to arms. They no longer think it necessary to conceal their real sentiments; they have put us to defiance, and the event must inevitably be the full assertion of our legislative authority over them, or submitting to for ever relinquish it. Should the latter be the case, then farewell to the importance of this country.--- The state of Europe, he observed, had undergone an almost total change, since the first establishment of those colonies. Several considerable acquisitions of territory had been made by the great states, who may be supposed to be the rivals of our power and greatness. The wealth and additional strength

strength which we have hitherto derived from our colonies, have enabled us to retain our consequence and superiority in the grand European system. What then would be the probable effect, merely on consideration of self-preservation, but that, stripped of so ample a support, we should dwindle so, as, in the first instance, to lose our importance in that system, and, in the end, to become a province of the first ambitious power, who might think proper to attack us? For instance; France, our natural rival and enemy, is a vast extensive opulent country, full of inhabitants, fertile in soil, rich in native produce, and rendered more so by the industry of its people; it is compact in itself, its strength is easily collected; how then can it be expected, that Great-Britain and Ireland, inferior in every respect, and divided and broken by seas, could withstand so formidable a power, if those sources of wealth and strength derived from our colonies were to be cut off? which must be the case, should we tamely permit America to remain independent.

This, his Lordship presumed, was the *true* point on which the deliberations of this day would turn; it fairly included this short question, whether, by foregoing our superiority over America, we were at the same time willing to take such a resolution with all the consequences now described, which he contended must follow? He said, besides this grand, this leading inducement to a vigorous exertion of our whole strength, there were many collateral circumstances, which gave him hopes, that the general impressions of despondency, attempted to be made by the noble Marquis and the noble Duke who spoke last, were ill founded; and were neither supported by fact or probability. He said, the deluded people of America had been inflamed, misled, and hurried on by their leaders; that the late success of his Majesty's forces on Long Island, and the events which might reasonably be expected in consequence of that success, gave the most rational ground to expect, that his Majesty's subjects in America would recollect themselves, and return to their duty; and such of them, as all along retained their loyalty, be emancipated from the cruel oppressions they had sustained for their attachment to the mother country; which would create such an additional strength, as not only to rescue the province of New York from under the dominion of its merciless oppressors, but likewise to establish a civil government in that province, and from thence extend, by its influence and example, the blessings of peace, law, and liberty, to its several neighbouring colonies; which would in time, he hoped, by
that

that means be communicated to the whole continent. He said, he *felt* as strongly as any Lord in the House for the miseries of war; he always thought it should be the last resource; yet while he lamented its ravages, it was a consolation to him, that its temporary effects might be productive of a restoration of government; since nothing else was capable of bringing back the people to their duty: one part, he trusted, would return from motives of loyalty and inclination; the other, from finding they had no protection, but what might be derived from a restoration of peace, and a submission to the constitutional supremacy of the parent state. He was every way satisfied, that this would be the event of the ensuing campaign, if determined on with *unanimity here*, and carried on with *wigour there*. He did not, however, according to the language of the amendment, expect, much less wish, that the people of America should yield to an abject or servile submission. It was not, he dared to say, the wish of administration, nor of any noble Lord in that House. It was, however, now become indispensibly necessary to the interests, nay to the very existence of the British empire, that the supremacy of this legislature should be maintained and asserted in its full extent: when that point was once fully established, he doubted not but the people of America would receive every satisfaction and security for every just grievance they may have felt, and every right they may be intitled to enjoy as British subjects. Fully convinced of the justice of the cause, and of the propriety of the measures recommended in the speech, he must, he said, differ from the amendment proposed, and give an affirmative to the address now moved.

The Earl of *Derby* spoke warmly in favour of the speech, and *Earl of Derby* against America, which, he said, had entered into the most *by* horrid and unprovoked rebellion ever known in the annals of this or any other country. He insisted, that they had an equitable as well as a legal right to contribute towards the national burden incurred during the late war on their account. First, on the constitutional right the parent state had to regulate, controul, and give law to all its dependencies; which inherent right especially included the power of taxation. Secondly, because one half of the public debt we now labour under was incurred in defending and protecting them. He complimented such of his noble auditory, as always looked upon the disobedience and resistance made to the laws enacted in support of the exercise of our constitutional superiority

over America, as a strong indication, if not a substantial avowal, of their intended independency. He observed, that such being the fact now no longer to be controverted, he was astonished that any noble Lord, who declared himself a friend to Britain, could possibly hesitate about agreeing with the address, as the measures it was meant to sanctify were the only means to save the British empire from certain ruin and destruction. His Lordship lamented the factious spirit, both here and in America, which had been the cause of the present melancholy state of public affairs; and hoped, as the only means of reparation left, that those who had unhappily fomented the present disturbances, that those who had by the strongest reiterated assurances *pledged* themselves to the nation, that America only wished for a constitutional dependency, *not* to deny or throw off the supreme legislative power of the parliament of Great-Britain, would now candidly confess their error, and prove themselves only mistaken, not intentionally wrong.

Earl of Rad-
nor.

The Earl of *Radnor* made several observations on the sentiments delivered by the last noble Lord but one [Lord Cardiff.] He said, that he could not agree with the proposed address, or amendment, neither of them coming up to his ideas. The noble Lord [Lord Cardiff] asserted, that the people of America were tainted with principles of republicanism in general, and had always shewed a spirit of disobedience. He denied that either of those assertions were strictly just. The charge of republicanism was never even attempted to be made against any but the northern colonies, and there he believed with great injustice; and the charge of disobedience was still worse founded; for he believed, if the history of the colonies was impartially considered and fairly decided on, from their first establishment, it would be found, that no subjects had ever exhibited stronger proofs of their duty, attachment, obedience, and affection for the parent state. If, indeed, the *same* spirit which compelled the first settlers to fly from the ecclesiastical and civil persecution and oppression of a tyrant, was a spirit of republicanism, he trusted, that spirit would *never* be extinct either there or here; for if it should, then despotism would triumph, and nothing would be left for the prince on the throne, but to possess himself of the liberties of the people thus deserted and surrendered. He repeated his disapprobation of the address and amendment; and said, he should not vote for either.

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The Duke of *Richmond* arraigned the conduct of administration, in relation to the affairs of America; and described what he called the tremendous and awful situation this great empire was reduced to; the whole of which he attributed to a *want* of wisdom in ministers, as well as a want of virtue in parliament. His Grace mentioned the several measures adopted by the King's servants against that country, and reminded their Lordships, that the consequences from the beginning to the very close of the last session, were exactly, nay, almost literally, foretold by those who disapproved of them; that there was something very remarkable, however, in this combination of cause and effect; for while opposition predicted the probable operation those coercive laws would produce, they did not neglect to remind ministers, that they supposed those laws were expressly enacted for that purpose; if so, though such a conduct might well serve to impeach the *justice* of the measures, it proved in some degree, that they were not so much the effect of ignorance as design. America had the alternative to submit, or to abide the event of resistance; the several oppressive laws spoke that language; and as America refused to accede to terms of unconditional submission, she was of course compelled to declare herself independent. In that point of view, ministers had been successful, and gained what they secretly wished for, though they did not dare to openly avow it; they put all on the issue of a trial of strength between the parties, in which struggle they flatter themselves they shall prevail. Such, certainly, was the express intention of the capture act; nothing less could be expected: this law was passed in order to put the colonies to the test; it was meant to produce submission or independency; the former, in that stage of controversy, was not expected; independency was looked for; and ministers, in one instance at least, were not disappointed. To prove the truth of what he now asserted, he gave a short history of the capture act; he shewed, that the King's speech, on the opening of the preceding session, promised that commissioners should be sent out to treat with the Americans; that when this promise came to be fulfilled by ministers, the farce was still kept up in the capture act, though nothing more than a bare power to receive submissions, and grant pardons, was expressed: yet trifling, absurd, and insidious, as this must appear, ministers were resolved, that no good consequence should arise; for though the royal word was pledged in October, and the law was passed the next month, no attempt

was made to fulfil it on the part of administration for full seven months after. This brought strongly into his mind a passage in a modern writer [*Mr. Gibbon*] who has written on the causes of the decline of the Roman empire: where, speaking of the christians, and the persecutions they suffered under some of the Roman emperors, he says, "they were thus driven from the protection of the law." His Grace commented very pointedly on that passage in the King's speech, which says, "that his desire is to restore to them (the people of America) the blessings of law and liberty, equally enjoyed by every British subject." This, he said, was a palpable fallacy; and could be only introduced into the speech by the minister, in order to mislead the people of this country, and to incense them against their fellow subjects in America; and he expressed his astonishment at the temerity of those who thus dared to put such a sentence in the mouth of their sovereign. It was absurd to the last degree; it was known to be directly *repugnant* to the express constitutional system of government established in this country; to that power of commercial controul lodged in the seat of empire; and that great commercial law, the act of navigation, which withheld several great advantages from our dependencies in Ireland and America; consequently, it was a vile imposition to suppose, that either the sovereign could or would restore to America the blessings of law and liberty, equally enjoyed by every British subject, because such a promised enjoyment was no less false in contemplation, than it was totally impracticable in the execution. His Grace next lamented the extreme degeneracy of government:---he boldly affirmed, that it was carried on solely through the means of bribery and corruption; that all test of public conduct was laid aside, which depended upon freedom of thought, or freedom of acting. The *indiscriminate* support ministers received, to whatever measures they thought proper to propose, though ever so ruinous and destructive, furnished daily proofs of it; and what, from a total disregard which prevailed among public men, to the interests of the nation, and the innumerable modes of corruption, long established, with the new ones daily devised and discovered, he was in his conscience satisfied, that nothing but the personal virtue of the sovereign prevented this country from a total loss of liberty. Like Sweden, it was ripe for the event; and he begged leave once more to give the most solemn testimony, to declare from the bottom of his heart, that no-
thing

thing but the virtue of the sovereign on the throne prevented this country from being at present under the dominion of arbitrary power.

His Grace, after testifying his high esteem for the Generals Howe and Carleton, with both of whom he had served, men equally deserving in their private characters, as of high merit in their respective professions, lamented the fatal effects of the war, with the conduct of which they are entrusted. From their known temper and disposition he should have conceived the most favourable hopes, if their hands had not been fettered by ministers; nay, indeed, if they had not been actually prevented from taking any measures but such as the laws of war prescribed. This was a melancholy consideration, when we reflected, that every life lost on either side was a diminution of that strength which ought to be preserved, and which should be only employed against our natural and foreign enemies. This led his Grace to that part of the speech, which says, "I still hope that all misunderstandings may be removed, and Europe continue to enjoy the blessings of peace; I think it nevertheless necessary, that we should be in a respectable state of defence at home." This, he said, however artfully and plausibly disguised, with a view of answering a double purpose of holding out peace at the present, and preparing us for *another* interpretation, should the event make it necessary, was a most alarming piece of information. If any explanation was wanting, the press-warrants lately issued would serve as the best comment; they justified our apprehensions; they confirmed our fears, and the more so, when we recollected, that the greatest part of our only sure bulwark and national defence, our navy, was on the other side of the Atlantic. He observed, that ministers had been silent through inattention, or not being able to stand, on this very critical and trying occasion, the test of enquiry. It was *no* secret, he said, that France and Spain had been some time arming; that the disputes between Spain and Portugal were notorious, and the public declarations of a minister,* in high favour at court, and influence in the cabinet, relative to the intended conduct of this country, should a rupture be the consequence of those disputes, made this disagreement a matter of very *serious* consideration, particularly,

* See the latter part of the Earl of Rochford's speech on the Spanish armaments last year, in the Lords Debates of last session, page 142.

ticularly, as the passage in the speech, which alludes to that important affair, says only, "I hope, &c. that all misunderstandings may be removed." On the other hand, if the repeated accounts be true, that an open commerce is carried on between France and our colonies; if the latter, in return for their native commodities, are supplied with military stores, will not this, if not discontinued on their part, be looked upon as an avowal of the cause of America? So that in either event, whether Portugal is attacked, or the colonists are openly assisted and supported by France, a rupture with the united force of the House of Bourbon seems inevitable. From these important facts, and obvious deductions, his Grace took occasion to expatiate on the dangerous predicament this country now stood in, a probable rupture with France and Spain, a civil war with our colonies, our only national defence at the mercy this instant of our natural enemies, an accumulating debt, divided councils, and a distracted people on the verge of political despair. In such a dire and calamitous situation, he recommended a reconciliation with our colonies upon any terms. He thought it would be much better to have them as friends than enemies, though we should be under the necessity of acknowledging them as so many independent states. He concluded his speech with protesting, that he did not believe that *any* measures that could *now* be adopted, would ever reconcile the people of America to our government; the attempt, in his opinion, was impracticable. Though a change of administration, and a change of measures in consequence thereof, should take place, he had no expectation, that, for his part, either, or both, would produce any good consequence. A noble Lord, early in the debate, [Lord Cardiff] had supposed, that this country would not support its rank, as a great European power, without the colonies; his Grace strongly doubted the truth of this reasoning. Britain had cut as conspicuous a figure, as she has done since, in the time of the protectorate, before the colonies were any addition to the strength or opulence of this country. Be that as it may; if the task of conquest was impracticable, as he believed it was, it would be better to retain our native strength, than waste it to no purpose. In such a train of impending evils, as surrounded us on every side, he could only venture to pronounce one certain truth, that he was satisfied *the country was ruined, he feared the nation was undone.*

The Earl of *Sandwich* said, the speech recommended measures so wisely framed, and so peculiarly well suited to the present situation of affairs, that he should not have troubled their Lordships, had not the noble Duke, who spoke last, alluded to some matters, which, as connected with the office at which he had the honour to preside, he looked upon himself particularly called upon to explain. The noble Duke asserted, that the greatest part of our force was on the other side of the Atlantic, and that we were left defenceless at home. The first of these assertions was not founded in fact; for out of 28,000 seamen, with one of the most formidable fleets this country ever beheld, 15,000, including the marines who were doing duty on shore, as well as on board the ships of war, and two line of battle ships, were only on the other side the Atlantic: and as to the other assertion, that we were left in a defenceless state at home, it was equally ill-founded; for we had a naval force at this instant ready for sea, allowing that the courts of Versailles and Madrid had any hostile intentions towards us, which he was persuaded they had not, fully sufficient for our defence and protection. We had the most ample and *unreserved* assurances from those courts, of their pacific and friendly dispositions; if they should turn out otherwise, we are prepared for the *worst*. He said, he looked upon it to be his duty, as an official man, to take care, that the navy, which was our only national defence, should be in the best condition in his power. He was happy to inform their Lordships, that it was so, and he was determined that this kingdom should be prepared for any event that might happen. He should not follow the amendment made by the noble Marquis, it took in so many different matters, little relative to the present subject of debate; but while it recommended a retrospective enquiry into the conduct of others, he could not, now he was up, help declaring, that the true cause of this civil war we are engaged in, was the bad policy of those, who, by their advice, power, influence, and official situations, laid a foundation for it, by the repeal of the stamp-act. He had often said so, and would avow it with his last breath. As a friend to his country, he must dissent from the extraordinary proposition made by the noble Duke who spoke last, "recommending a reconciliation with America upon any terms, even upon grounds of admitting their independency." As an Englishman, and a friend to his country, he could not endure the thought; he would never consent to subscribe to a doctrine, so derogatory to the honour,

honour, so disgraceful to the character, and so destructive to the interests of this country. He would risque every thing sooner than accede to it; he would hazard every drop of blood, and the last shilling of the national treasure, sooner than Britain should be set at defiance, bullied, and dictated to by her ungrateful and undutiful children, her disobedient and rebellious subjects. He alluded to a passage in the last mentioned noble Duke's speech, in which he protested, that he did not believe either a change of men or measures, in consequence of it, would effect a reconciliation, so as to bring America back to her former disposition. He *believed* his Grace, for he was certain that the resentments of America were not directed against any *particular* set of men; he was convinced that they despised their supposed friends, as well as their pretended enemies; and that their intentions were uniformly from the beginning to render themselves *independent* of the parent state.

Duke of
Richmond.

The Duke of *Richmond*, mistaking his Lordship's words, desired that he might be permitted to explain himself; he supposed that the last noble Lord imputed to him the following words: "though there should be a change of men, there will be no change of measures." He therefore begged to be understood, that he neither meant, nor made use of any such expression. He thought it necessary, for he was certain, if there was a change of men, there would be a change of measures. For his part, he did not wish to take any official part in any such change, for the reason before assigned; because he was morally certain, that all attempts to recover America would be in *vain*; the moment was *past*, that country was now *irretrievably lost*.

Earl of
Sandwich.

The Earl of *Sandwich* appealed to their Lordships' recollection, if the noble Duke had not totally mis-stated his words, and misconceived his meaning, and wished to be set right, whether he had done more than repeat the words in the manner now explained by his Grace, as an argument to prove, that nothing now remained but to exert the force of this country to the fullest extent, in reducing America to a proper state of legal and constitutional dependence.

Duke of
Grafton.

The Duke of *Grafton* prefaced his particular sentiments of the measures chalked out in the speech, in the strongest disapprobation of the conduct of administration from the beginning. He pledged himself to the House, and to the public at large, that while he had a leg to stand on, he would come down, day after day, to express the most marked abhorrence
of

of the measures hitherto pursued, and meant to be adhered to, in respect to America. He condemned, in terms equally explicit, and unreserved, the measures which had compelled America to declare herself independent, though he was sorry for it, and thought she acted extremely wrong in so doing. He said, ministers had not only effected this part of their scheme, by a set of the most cruel, oppressive, destructive, and impolitic laws, that were ever devised by a deliberate assembly, but they had likewise brought themselves into a situation, which had been often predicted by those on this side of the House; he intended by this expression, he said, no particular distinction of party; he meant only the noble Lords with whom he voted in the course of the last session on American affairs. Those predictions ministers affected to disbelieve; though the experience of that day, the very speech delivered from the throne, proved this truth; and when other circumstances came to be revealed, their veracity could not be questioned, they were beyond the reach of doubt, much less of naked contradiction. He was justified, from an authority which could not be disputed, to aver, that four ships of the line; with a considerable number of land forces on board, had lately sailed from Cadiz; that another fleet of seven men of war of the line, with a body of at least 10,000 land forces, were preparing to follow them; that the French had been for some months busily employed in making very formidable naval preparations; the consequence of which was, that a strong squadron of men of war were now lying at Brest, completely fitted and manned, waiting only for orders to proceed to the place of its intended destination. His Grace attributed our present alarming situation to a want of proper information; it was, he contended, the great cause of all our misfortunes. Parliament was led blind-folded; they assented to every thing ministers proposed; they reposed an unlimited confidence in their assurances; and though, perhaps, from the same spirit of obstinacy and infatuation they should wilfully continue to persist in error, they must acknowledge, that they were grossly, and, he believed, wilfully deceived. He reminded ministers, how often, and with what confidence, the last year, when the possible, if not probable, interference of foreign powers was suggested, as a strong ground of expediency for us to relax in our claims on America, and to adopt conciliatory measures, they pledged themselves to Parliament, that no impediment or obstruction was to be dreaded

from that quarter; that our court daily received the most full and satisfactory assurances, assurances that might be *safely relied* on, of the pacific disposition of both France and Spain; yet all of a sudden press-warrants are issued, while, if the speech may be depended on, such a *precaution* is unnecessary. Two days before the meeting of Parliament, the substance of the speech is flatly contradicted, the assurances are no longer to be relied on; the noble Lord who presides at the Admiralty tells you, that it became necessary to prepare for the worst. Does his Lordship mean to amuse us, by telling us, that our present armament was only meant to put us in a state of defence, confessing by that assertion, at the same time, that, before the steps now taken, the nation was not in a proper state of defence, contrary to the repeated assurances that his Lordship had given to this House that it was?

Earl of
Sandwich.

The Earl of *Sandwich* (to explain) insisted that he never meant to say, that the nation was not in a state of defence previous to the preparations now going on; for he was certain that we were all along prepared; what he meant to say was, that as a dispute subsisted between Spain and Portugal, which might call for our interference, as well as mediation, if pushed to extremities, he thought it his duty to prepare for the worst, in order to give our mediation the proper effect.

Duke of
Grafton.

The Duke of *Grafton* replied to this explanation by observing, that although every thing asserted by the noble Lord had been literally true, he begged leave to differ from him in thinking, that our home defence could be looked upon as complete, while we solely depended on our navy. Adverse winds, and a thousand accidents fleets were liable to, pointed out the necessity of auxiliary assistance, such as a strong military force, should an enemy by chance, or any other means, effect a landing. A strong instance of the truth of this observation had, he begged leave to remind their Lordships, happened during the late war, when Sir Edward Hawke was wind-bound in Torbay, so as not to be able to prevent Conflans from invading some part of these kingdoms, though he was apprized of his intention. At the critical instant Providence interposed, and the wind suddenly changing, Sir Edward was enabled to proceed to sea, and meet the enemy at the very moment they had cleared the land, by which fortunate circumstance he was enabled to engage them, and defeating them, prevented an invasion which might have been productive of the worst consequences.

His

His Grace concluded therefore, in answer to the noble Earl's general argument in support of the measures of administration, allowing every one of his Lordship's assertions to be founded in fact, and to carry with them the effect they were wished to produce, that a powerful naval force was not sufficient alone for home defence; that the silence of the other members of the cabinet had the most unfavourable appearance; and as the noble Lord seemed to trust so much to the respectable state of the navy, previous to the press, he would be glad to have a specific answer to this question:---Was the naval force, a few days since, a sufficient defence against that now fitting out, and ready to sail from Brest? Because, if it was *not*, then Parliament had been designedly *mised*, the nation had been grossly and criminally deceived, ministers had trusted the safety of the kingdom to an inferior force, and had by so doing given Parliament official information that was not to be relied on. Such then being the state of public affairs respecting both America and the unfavourable dispositions, if not the *direct hostile intentions* of foreign powers, the *love* he bore his country, his *respect* for his sovereign, his *duty* as a member of that House, *forbid* him to approve of an address so big with mischief, and so much calculated to *lull* the nation into a *fatal* security, while its dearest interests, its very existence, were on the eve of being ultimately decided upon. On the contrary, he would most earnestly recommend, at this alarming crisis, to suspend all further proceedings, in order that the House might resolve itself into a committee, to enquire into the state of the nation, to learn the true causes which have occasioned the revolt of our American subjects, to discover their authors, and to devise the best measures for *rescuing* the nation from the innumerable perils with which it is at this present instant surrounded.

The Earl of Sandwich said, he could give a direct answer to the question now proposed; he could assure the House from his own certain knowledge, that before any late preparation was made on our part, we had a naval force sufficient to cope with any *now* at Brest, fitting out there, or preparing to depart. The armament alluded to was but a small one, consisting only of six ships of the line; but if it had been *greater*, we were sufficiently prepared. In answer to something suggested by the Duke of Grafton, relative to the real motives of the armament, whether it was or was not occasioned by the disputes subsisting between Spain and Portugal, he said, it was *not*; but as France had thought proper to augment her
Earl of Sandwich.

navy, he thought it his duty to agree with his brethren in office, not entirely to trust to assurances. Assurances were on some occasions to be firmly relied on, when they were *accompanied* with appearances that bore a full and unequivocal testimony of their truth; when they were *not*, they became an object of serious attention, and called for suitable measures from those whose business it was to watch them. As to the expence objected to by the noble Duke, however prudent it might be to attend to it in some situations, in others it became an object of no concern. An early and timely preparation on our part would have the effect of *substantial œconomy*; it would probably be the last expence; for, by incurring it in time, it might, perhaps, prevent a much greater.

Duke of
Richmond.

The Duke of *Richmond* again rose; he begged to state the question on a larger ground than it was propounded by the noble Duke who spoke last but one. He observed, that the noble Lord who undertook the defence of administration, had *confessed*, that the French were fitting out a fleet at Brest; that in consequence of that armament, not on account of the dispute between Spain and Portugal, his Lordship, with the rest of the cabinet ministers, had advised his Majesty to make the present proposed naval augmentation. He should therefore be glad to know, if the preparations in the Ports of France were of a long standing, or whether they came only to the knowledge of administration within a few days; and if they were of a long standing, how came administration to defer taking the necessary measures earlier? He again reprehended ministers very severely on this silence, which if longer persisted in, he should impute to the most unbecoming and criminal contempt, or to their inability of giving a satisfactory answer.

Lord Vis.
Weymouth.

Lord Viscount *Weymouth* said, the absence of two cabinet ministers, [Lords Gower and Suffolk] was the occasion of that silence on the part of administration which had been improperly imputed to a reluctance or inability to give satisfaction to the House. He defended the speech from the several objections made to it; and said, he particularly rose to explain a matter which had been unwarrantably pressed on the noble Earl who spoke last on the same side. The noble Duke who spoke before him proposed the following dilemma:—either administration knew of the armament fitting out at Brest, or they did not; if they did, and failed so much in their duty not to take the necessary steps to meet and counteract

counteract, then we were blameable; if they did not, they were still more censurable for neglecting so indispensable a part of their duty. Now, in his opinion, without admitting either conclusion, the matter might be cleared up, and ministers, instead of incurring any just censure, would be found to have acted perfectly consistent and judiciously; for they knew that the preparations were going on; and they resolved to keep pace with them. In answer, therefore, to the charge, why did you not arm earlier? It is enough to say, that notice was received of the armaments going on in France; that administration availed themselves of that *information*; that the ships intended for service were fitted for sea; and that when the moment arrived, in which it was prudent for this country to make her real intentions known, orders were given for a press, the ships were ready to receive the men, and, as soon as the number of seamen necessary to proceed to sea are procured, it is only to ship them, and the business will be compleated. He congratulated the nation on the address, and the expedition with which the whole was executed; and was glad to find, though nothing of the kind was intended, that the secrecy with which the whole was conducted, should make the transaction pass unobserved in general, and should have, in particular, escaped the eagle and observant eyes of the noble Lords on the other side of the House, who, by their total ignorance of the precautions and preparations his Majesty's servants had wisely been making, shewed their vigilance and activity, while it demonstrated the prudence that accompanied that vigilance which could effect its purposes, without creating an alarm either at home or abroad. It was no secret to great numbers, that the nation was not only prepared, but earlier prepared than was expected by those who might think they would have an interest and advantage in being before-hand with us, and thereby taking us by surprize.

The Duke of *Richmond* returned to the question put to Duke of the first lord of the admiralty by the noble Duke in the blue *Richmond* ribbon [the Duke of Grafton.] He said, his Lordship had artfully evaded giving a direct answer to the question proposed to him. He had answered, that the naval force of this country, before the press-warrants were issued, was superior to the armament then fitting out at Brest. He begged leave to put the question upon a more general ground. Is the naval force of Britain, now ready to proceed to sea, sufficient

sufficient for home defence, and for the necessary defence of the empire, supposing that France and Spain should break with us, either by abetting America, or in case of an attack upon Portugal? This, his Grace said, was a question that could not be evaded or answered in the affirmative, without a professed design to mislead the House, and impose on the nation.

Earl of
Sandwich.

The Earl of *Sandwich* answered, that our fleet was in prime condition; that the complements of our ships were nearly made up; and, that we could fit out a fleet at a short notice, nearly equal to all the powers of Europe.

Lord Wy-
combe.

The Lord *Wycombe* [Earl of Shelburne] said, he was *astonished* that the House could continue to submit coolly to the contempt with which administration had treated it, both in the speech, and the manner in which the speech was defended in the course of the evening. The speech, he said, was a piece of metaphysical refinement, framed with a purposed design to *impose*; the defence made to continue the imposition, was nothing more than a string of sophisms, no less *wretched* in their *texture*, than *insolent* in their *tenor*. He said, he was no great metaphysician, but still he knew enough of the science of metaphysics to see and detect the manifest falsehoods, clothed in the semblance of truth, particularly when the garment was so thin, or the disguise so gross and ill-suited, that further *confidence* would be madness, and remaining in error would be the effect of the most senseless stupidity.

Such being the contents of the speech, the manifest intention of its framers, and the shameful conduct of its defenders, he begged the indulgence of the House, while he briefly delivered his sentiments on those several points. As the first part of his engagement, he proceeded to consider the speech paragraph by paragraph. In the execution of this task, he trusted he should *prove*, that it was fraught with a mixture of the most unqualified absurdity, treachery, cruelty, *hypocrisy*, and *deceit*. The very opening of it was manifestly falacious; for how was it possible to expect *unanimity* at home in support of the prosecution of a war, the original object of which was professedly to *enslave* three millions of British-born subjects? How could ministers dare to call for unanimity from those whom they had so repeatedly insulted, betrayed, and deceived? and the imputation of unanimity was still more absurd, when it was looked for from those who had so often predicted, nay literally foretold them every circum-

circumstance which had happened in the course of this cruel and bloody business to the present instant; and had frequently, during last session of Parliament, faithfully described the present awful and alarming state of this country, both in regard of her subjects in America, and her home security.---His Lordship observed, that the first paragraph contained many specious falsehoods, as well as those he had just remarked on. It charged the Americans with "*rejecting the means* of conciliation held out to them under the authority of our commission, with circumstances of indignity and insult."---This his Lordship contended was no less *untrue*, than plausibly and artfully stated. For the pretended *means* of *conciliation* alluded to, were held back so long, the commission not being made out, nor the commissioners sent, till about the middle of May, that the people of America, if the commissioners were armed with powers sufficient to hold out fair and solid *means* of conciliation, were fully justified in declaring themselves independent, from the most obvious motives of *self* preservation; but when these *pretended* means of conciliation held out nothing but a *naked* offer of pardon, on the terms of *unconditional* submission, the hitherto unparalleled effrontery of ministers, who could thus dare to deceive their sovereign, could now be only equalled by the political blindness and tame servility of those who could *submit*, or *swallow* such gross deviations in point of fact, and misrepresentations in argument and conclusion. Every opprobrious charge which could tend to inflame the people of this country against their fellow subjects in America was *stuffed* into the speech, and had been *copied* and *improved* on by the friends of administration, particularly two or three of the noble Lords, who spoke early in the debate. They have been represented daring, desperate, traitorous, insolent, ungrateful, and rebellious. These, he said, were strong charges, and they required suitable *proofs*. For his part, whatever the speech may have decided, or however eager the supporters of the speech might have been to *improve* on the pattern or doctrines therein laid down, he could never be persuaded to deem people taking up arms in defence of their property, their privileges, and unalienable rights, *rebels*; if such doctrines had prevailed at the time of the Revolution, their Lordships would not then probably be sitting in that House. If resisting a *lawful* authority, though perhaps not a *rightful* authority, be the essence of treason, the Whigs at the Revolution were *rank* rebels, in the sense the
speech

speech used the term. King James the Second was their lawful King ! It is true, he endeavoured to trample, and in some instances, did invade their rights ; but still, if a *resistance* of *lawful authority* constituted an act of treason in every possible event, the Whigs in 1688, and the Provincials now in arms, may be deemed rebels. It was an opinion he never could accede to ; he would always continue to think, that both were a *constitutional* resistance to a power *originally legal*, but which, by an unconstitutional exercise of it, had *degenerated* into the most oppressive stages of an *usurped arbitrary* power.---He said, while he gave his opinion so explicitly on the sufferings of America, he would wish to be understood, that he never meant this country should *relinquish* its right of *commercial controul* and *regulation* over that ; on the contrary, he always thought, that that power of regulating the trade of the colonies, was the very essence of the political connection subsisting between both countries ; that even if this regulatory power was defined in its most full and extensive sense, and acknowledged on the part of the colonies, yet something more might be still expected ; the national debt, under which the people of this country now groan, is truly and *equitably* the debt of every individual in the whole empire, whether in Asia, America, or nearer home. But until the Americans had full *satisfaction* on the question of *taxation*, and ample *reparation* for the attack on their charters, till the exclusive right of taxing themselves, and the most solemn security was given them for their colonial privileges, derived through their respective legislative assemblies, it was in vain to talk of conciliation.---It was possible extirpation might follow from the *means* of *conciliation* held out to them, but he was certain, notwithstanding what may have been held out in the speech, *conciliation* never would.—These, he said, were his general sentiments relative to that species of dependency America owes of *right* to the parent state. It might not meet the approbation of a great number of persons on the other side of the Atlantic. That, however, did by no means influence his opinion : it had been the same from the beginning. He did not now take it up, because our affairs in that country wore at present a more favourable aspect than at any time during the last session ; for he expressed himself precisely in similar terms, at the time that America was flushed with success, when they had every foot of Canada in their possession, the town of Quebec excepted. He referred to the pamphlet written

by Doctor Price, at the end of which a speech was printed in his name, which he owned was authentic.

The second paragraph in the speech was another metaphysical refinement, equally ill supported in fact or argument; if it contained any substantial truth, it was, that the same violent oppressive measures were determined to be pursued; that we must prepare for *another campaign*, and that the foreign mercenaries had executed, with a *bloody alacrity*, the *horrid* purposes of their paymasters, by butchering our fellow-subjects in cold blood. It was a very proper and timely eulogium in return for a faithful discharge of their duty, and, he presumed, was intended to operate as a powerful stimulative to perseverance in the same commendable line of conduct.

On the third paragraph he likewise commented. And insisted, that it was fraught with the most gross and notorious falsehoods; “no assurances of amity were, or could be, received; and if they were received, and could be depended on, why arm? why put the nation to so monstrous an expence? why dispatch your press-gangs in every quarter of the town? why let loose so many bands of ruffians, to enter by force into people’s dwellings, to drag the unhappy master of a numerous family from them, aboard a tender, where perhaps the first account they hear of him is, that he died of grief and vexation, or of the cruel usage and bad treatment he received before, or during his passage to, or being aboard at the Nore.---His Lordship, however, was proud to find, that by the spirited conduct of an able magistrate, the lord mayor of London [Mr. Sawbridge] a *stop* had been put to those horrid outrages within the limits of his jurisdiction.---He had refused to back press-warrants, though it was insinuated by those that applied, on his refusal, that the request was merely complimentary, for that the press would be carried into the city. He said, if any proof were wanting of the unpopularity of the present barbarous war, that honest magistrate’s conduct, as expressing the sentiments of the inhabitants of the first city in the empire, perhaps in the world, was the most irrefragable and conclusive. If, upon any other occasion, the most distant prospect of a foreign war was only so much as talked of, the citizens of London would be the foremost and most conspicuous in expressing their *zeal* for *chastising* our foreign enemies; but when it was known, that the present threatened rupture is *corrected*, or, more properly speaking, is a *consequence*

quence of an unnatural proscription of three millions of their fellow-subjects, the spirit of the nation is bowed down and enfeebled, their hearts, as well as their countenances, are frozen, and they even remain in a kind of political stupor, scarcely venturing to decide in their own hearts, whether a vigorous resistance against our foreign enemies may *not* be the *means* of infuring evils, no less to be avoided, than even defeat from the hands of our natural foes, that of *forging chains* for our American brethren, as the leading measure in *due season* to the rivetting them on ourselves. His Lordship assured the noble Earl, [Lord Sandwich] who supposed, that he went over to the continent to seek intelligence, that he was misinformed, or mistaken in his conjectures. It was true that he did go to France towards the latter end of the summer, but with no such intention as the noble Earl was pleased to impute. He was in Brittany, and in several parts of the sea coast, where he received every mark of politeness, hospitality, and kindness, that was in the power of the inhabitants of the country to bestow; it was, he said, the native disposition of the nobility and gentry of France to conduct themselves in that manner towards all strangers of rank, or worthy of note. He was certain, that there was not one of their lordships present, if in his situation, who would not have had a reception equally kind, friendly, and respectful. It would ill become him, therefore, if he had learned any thing, through such a confidential medium, to disclose it. He trusted, he was incapable of acting in such a manner; but whatever wit there might be in the noble Earl's insinuation, there was nothing in it solid, or relative to the present subject of debate; for without stirring out of England, without looking for official information, every body had repeatedly heard, that Spain and Portugal were seemingly on the eve of a rupture, relative to a dispute of boundaries of territory in the Brazils, which, in its consequences, was likely to involve Britain in a war; that Spain and France had been arming for some months; that a formidable fleet is now fitting out at Brest; that the French and Spanish ports were rendered asylums and places of safety to the American privateers both in Europe and the West Indies; that warlike stores were daily transported both in French and American bottoms, openly from almost every port in France; that the latter court had, as often as applied to, positively refused to forbid or prohibit American trading vessels or ships of war from entering their ports; and that, to complete the whole,

a person from the congress, if not two or three, were now in a public character at the court of Versailles, not perhaps received with the formalities of an envoy extraordinary, to agree upon specific articles, but most certainly armed with all the efficient powers of a person treating on the part of an independent state, on certain preliminary conditions, leading to engagements of a most consequential and important nature.---These being incontrovertible facts, daily repeated in the public papers, and known universally to every person who spent a single hour's consideration, or bestowed the least degree of attention on the subject, he looked upon himself fully satisfied in flatly contradicting the passage alluded to, and solemnly affirming, that we do *not* continue to receive *assurances* of *amity* from the several courts of Europe, or that, receiving them, it was a gross imposition on Parliament to even *insinuate*, that they were to be relied or depended on. His Lordship turned with great indignation on the cabinet ministers; said, it was very lucky for such of them as were absent, for surely, in the present situation of affairs, they must cut a very awkward figure; but he was astonished how the noble Viscount could so forget, as to say, that we had been preparing for some months, when the contrary was well known to every clerk and store-keeper in the several dock-yards, nay, a most curious circumstance was generally reported, and believed to be true, which was, that the speech, as first manufactured, was obliged to be altered two days before its final revision; such being the information ministers had of the disposition of foreign courts on the Thursday night, or Friday morning, previous to the issuing the press-warrants. He reprehended the noble Lord, whose province it was to procure the necessary information, in very severe terms. He said, when he had the honour of occupying the same post, he spared no pains or expence to be fully, timely, and minutely informed. He was apprised of every step taken by France in relation to the purchase and intended conquest of Corsica, from its very commencement. While that matter was in agitation, he kept it continually in his mind, and often thought of it on his pillow; and though he was left alone, and deserted by all his colleagues in office, and brethren in cabinet, he had the conscious pleasure in recollecting, that he had done his duty, and that nothing could be fairly imputed to his neglect or inattention.

On the concluding paragraph of the speech, his Lordship was also severe. He said, it was a compound of the most gla-

ring hypocrisy and deceit, unless attempting to rob the people of America of their *property*, by laying taxes without their consent or approbation, or stripping them of their charters, the only legal foundation of their legislative and personal privileges, as a proof, "that no people ever enjoyed more happiness, under a milder government," or unless since the resistance to this *mild* government, the sending over an army of blood-thirsty foreign mercenaries to cut their throats, as the first step "to restore them the blessings of law and liberty, equally enjoyed by every British subject," be a truism, he could not discover the most distant semblance of truth throughout the whole sentence. His Lordship concluded with calling on the cabinet ministers present to declare, whether they had applied to the court of Versailles on any of the leading points now mentioned; whether they were disavowed, mitigated, or explained by that court; whether, on the other hand, they were openly avowed, or replied to in such a manner, as to give us to understand, that they would, when their armaments were rendered more forward. These, his Lordship insisted, were matters that called for so many explicit answers; that until explanations were had on them substantially, or in detail, it was impossible that their Lordships could with safety proceed, much less vote the present address, which might, or might not be true, taking the matter in the most favourable light.---In fine, it was absurd, it was an insult on common sense, to talk of "*assurances of amity* from foreign powers," while some of those powers were, at least hitherto, known to secretly abet, and, in some instances, openly countenance, nourish, and support, our subjects now resisting our authority in America.

Lord Os-
borne.

The Lord *Osborne*, [Marquis of Carmarthen,] said, he was far from approving the conduct of administration; he was satisfied, that they justly incurred censure in several parts of it; yet he could by no means agree with the amendment, as it held out investigation and enquiry at the instant that the fullest exertion of the naval and military strength of Great-Britain was called for, as well for our own protection as to bring back our subjects in America into a constitutional acknowledgement of the superiority of this country as the parent and governing state: when that acknowledgment was obtained, then he would recommend the most mild and conciliating terms that could be well imagined. No noble Lord in that House would go further, or more cheerfully,

cheerfully, in restoring peace upon fair, equitable, and reasonable terms than he would, if they submitted to the legislative power of this country; till that should happen to be the case, none would more zealously support such measures as might promise to compel them to a constitutional submission to the British legislature. Nothing came more fully up to the ideas he entertained and wished to convey on the great American question than the declaratory act passed in 1766, on the repeal of the stamp act; that asserted the legislative supremacy of this country in its fullest extent, and he was astonished, that the framers of that act could offer to defend America, when the very resistance, which produced the present unhappy civil war, was made expressly in contradiction to the parliamentary rights therein maintained. He spoke much of the ingratitude of America, the favours we had heaped upon her, and the insupportable burdens we had loaded ourselves with, in rearing, nourishing, and protecting her, till at length we had raised her to a pitch of strength and opulence, sufficient to trust the decision of her cause to the event of arms. Such was the state of things; and now we had no alternative but either to suffer America to erect herself into an independent sovereign state, which was an opinion, he trusted, would never prevail in that House, or exert ourselves to the utmost stretch of our abilities. He said, the success of our troops at Long Island, and the probable good consequences it may be productive of, would, he hoped, give us such a footing in America, as would break the rebel confederacy in some measure. If New York is taken, which he had little doubt was the case before now, a civil government might be re-established there, which would afford an asylum to those who were forced into a rebellion against their inclination, or had suffered for not doing so. It would give an opportunity to the friends of Great Britain to shew their attachment to the parent state, and might probably in the end form so powerful a balance, as would be sufficient to restore that country to a state of obedience and tranquility, without the sad necessity of wading to it through blood and slaughter.

The Earl of *Shelburne* perceiving that the Earl of Sandwich declined giving any answer relative to what steps had been taken by administration towards bringing the court of Versailles to an éclaircissement, on account of the open countenance and secret assistance which had been given to America in the course of the present civil war, called once more
Earl of
Shelburne.
 on

on his Lordship, and at the same time insisted he should give the House some information relative to the state of the navy, the number of ships we could fit out upon an emergency, a list of those now serving in America, and the force collected in the French ports.

Earl of
Sandwich.

The Earl of *Sandwich* said, he did not think himself permitted to give the explanation required: such an explanation would not be prudent at this time. If the intentions of France were hostile, it might not be proper, though he believed they were not. At all events he thought such an eclaireissement would be highly improper respecting our home defence. As for the force serving in America, it consisted of two ships of the line, ten fifties, and seventy-one frigates and armed vessels, amounting in the whole to eighty-three ships and vessels of war, and 15,000 seamen.

Earl of
Shelburne.

The Earl of *Shelburne* said, he did not make the requisition now evaded, by way of a personal application. He knew his Lordship too well, and had too thorough a knowledge of him, to trouble him on any subject on which he should be obliged to *depend on his word*. He called upon him in his official character, and expected to be *answered*.

Earl of
Sandwich.

The Earl of *Sandwich* said, he could not satisfy his Lordship; that the question was of too delicate a nature to admit of an explanation. That nothing was said in that House that did not get out; that let our force be what it might, we should, from motives of policy, forbear to disclose it, particularly when foreign powers were arming, and known to be in some degree of forwardness; that if we had any enemies, they would be soon made acquainted with our situation.---It might be supposed, that people would not be wanting, nay, if all other means were denied, the very door-keepers might and must have it in their power to disclose that species of intelligence which it is our business to conceal.

Earl of
Shelburne.

The Earl of *Shelburne* said, he was astonished that any man in office in that House, who was responsible to the public, and accountable to their Lordships, dare, upon so important an occasion, trifle with the House, and refuse the necessary information, when he at the same time confessed, it was in his power to satisfy them.---Here a great confusion arose, and a general call for *order! order! order!*

Duke of
Richmond.

The Duke of *Richmond* contended, that his noble friend was by no means disorderly; that as a Lord of Parliament, sitting in that House, and called upon for his advice, he had

had a right to have the question now put fully and fairly answered.

The Earl of *Sandwich* replied, he was in the judgment of Earl of the House ; that he was *ready*, if the House insisted on it. *Sandwich*.
[A cry of *No ; no ; no.*]

The Earl of *Bristol*. I think the noble Earl is properly Earl of justifiable in not answering the question now so warmly *Bristol*. pressed, unless at the express desire of the House. The House do not wish for any such explanation, in which, I am of opinion, they have acted very wisely. It would answer no one good purpose : I am certain, taking the fact either way, it might be productive of many bad ones. The noble Earl preserves every possible confidence that can be reposed in him. I had the honour of sitting with him at the board, at which his Lordship now presides, and can, from my own knowledge and experience in my profession and official character, affirm, that no man is capable of discharging the duties of the important station he now fills with more fidelity and ability than his Lordship. The noble Lord who spoke last but one [Lord Shelburne] is very desirous to be acquainted with the detail of our naval force at home. I can tell his Lordship, that we have twenty-three ships of the line, their complements nearly full, and the ships in a condition to proceed to sea at a day's notice. I will tell him further, that the present press will furnish us with seamen sufficient to man the ships going to be put into commission ; that we may have forty sail of the line ready for sea by the first of March ; nay, I may venture farther, and assure the House, that they will be ready early in February. From which I am fairly authorised to draw this clear deduction, and which will be partly an answer to the question put early in the debate by the noble Duke in the blue ribbon [Duke of Grafton ;] the other noble Duke who enlarged the question, [Duke of Richmond] and by the noble Lord, [Lord Shelburne] whom I last mentioned ; and it is this ; that the guardships are a *full match* for any naval armament now ready in the French and Spanish harbours, and that the additional armament proposed to be fitted out, will give us such a fleet, as the whole combined force of France and Spain will not, by the time I have first stated, be able to cope with.

The same noble Lord has passed great encomiums on the chief magistrate of the city of London, for what his Lordship is pleased to term, that magistrate's spirited and commendable conduct. He has, he says, refused to back the *press-warrants*. Now, for my part, I entertain a very different

ferent opinion of the worthy magistrate's conduct ; and so far from being a popular step, I trust it will meet with that degree of public disapprobation it justly merits. The noble Lord himself looks upon a war with France and Spain to be inevitable : we may presume, that his Lordship, and his favourite magistrate, unite in opinion. How then are we to interpret the conduct of one, or the approbation of the other ? They must know, that though the strength and security of the island is known to depend upon our navy, that without seamen ships are of no service, and that on emergencies, such as the present, we are always obliged to have recourse to a press ; yet what must we think of those, who, at so critical and alarming a crisis, would sooner sacrifice, not only the interests, but hazard the very existence of the nation, to party views and personal resentments. The noble Lord supposes, that the absence of the greater part of our frigates on the other side of the Atlantic is at present a very dangerous circumstance, if any actual sudden operations were intended to be carried into execution. That, however, is not the case ; nothing of the kind is expected ; but even if it were, we have several frigates at home fit for service, and several others that could be easily made ready for sea at a short notice ; besides, if things should take a more serious and decisive turn, we could order home a sufficient number from America. Without sending for them, now that the landings are effected, there will be no occasion for such a number to be kept in America, consequently several of them will return to Britain. My Lords, I have spent the greatest part of my life in the naval service, and mean to dedicate the remainder to my profession, if circumstances should make it necessary. I know that things wear a suspicious appearance ; but I know likewise, that we are, as the noble Earl has more than once assured your Lordships this night, prepared for the worst. The British navy has always hitherto been invincible, and I trust ever will. Whatever character I have obtained in the service, either as an official or a professional man, I am ready to stake it, that we will be more than a match for our enemies, taking the question of a rupture at the present, or at any more remote period. I am, my Lords, thoroughly convinced of the truth of what I now advance ; and as the best proof both of my own conviction, and of my readiness to support those sentiments, am ready to take any command which it may be thought proper to entrust me with. I will never serve in any other character but
that

that which I have been accustomed to from my earliest youth. I would decline any other were it offered to me, while I would chearfully execute any commands which might be laid upon me in the way of my profession.

The amendment being negatived, was entered as a protest, of which the following is a true copy.

Amendment proposed to be made to the motion for an address on his Majesty's speech.

To assure his Majesty, that, animated with the most earnest and sincere zeal for his true interest, and the real glory of his reign, we behold with inexpressible concern the minds of a very large and lately loyal and affectionate part of his people entirely alienated from his government. Nor can we conceive, that such an event, as the disaffection and revolt of a *whole people* could have taken place, without some considerable errors in the conduct observed towards them.

These erroneous measures, we conceive, are to be imputed to a want of sufficient information being laid before Parliament, and to too large a degree of confidence being reposed in those ministers, who from their duty were obliged, and from their official situation were best enabled, to know the temper and disposition of his Majesty's American subjects, and were therefore presumed most capable of pointing out such measures as might produce the most salutary effect. Hence the schemes which were formed for the reduction and chastisement of a supposed *inconsiderable party* of factious men, have driven thirteen large provinces to despair. Every act, which has been proposed as a means of procuring peace and submission, has become a new cause of war and revolt; and we now find ourselves almost inextricably involved in a bloody and expensive civil war; which, besides exhausting at present the strength of all his Majesty's dominions, exposing our allies to the designs of their and our enemies, and leaving this kingdom in a most perilous situation, threatens in its issue the most deplorable calamities to the whole British race.

We cannot avoid lamenting, that in consequence of the credit afforded to the representations of ministers, no hearing has been given to the reiterated complaints and petitions of the colonies; neither has *any* ground been laid for removing the *original cause of these unhappy differences*, which took their rise from questions relative to parliamentary proceeding, and can be settled only by parliamentary authority. By this fatal omission, the commissioners nominated for the appa-

rent purpose of making peace, were furnished with no legal power but those of giving or with-holding pardons at their pleasure, and of relaxing the severities of a single penal act of parliament, *leaving the whole foundation of this unhappy controversy just as it stood at the beginning.*

To represent to his Majesty, that in addition to this neglect, when, in the beginning of the last session, his Majesty, in his gracious speech to both Houses of Parliament, had declared his resolution of sending out commissioners for the purposes therein expressed, *as speedily as possible*; no such commissioners were sent until near seven months afterwards, and until the nation was alarmed by the evacuation of the only town then held for his Majesty in the thirteen united colonies. By this delay, acts of the most critical nature, the effect of which must as much depend on the power of immediately relaxing them on submission, as in enforcing them upon disobedience, had only an operation to inflame and exasperate. But if any colony, town, or place, had been induced to submit by the operation of the terrors of these acts, *there were none in the place* of power to restore the people to submitting to the common rights of subjection. The inhabitants of the colonies apprized that they were put out of the protection of government, and seeing no means provided for their entering into it, were furnished with reasons, but too colourable, for breaking off their dependency on the crown of this kingdom.

To assure his Majesty, that, removing our confidence from those who in so many instances have grossly abused it, we shall endeavour to restore to Parliament the confidence of all his people.

To this end it may be advisable to make a more minute enquiry into the grievances of the colonies, as well as into the conduct of ministers with regard to them. We may think it proper particular to enquire, how it has happened, *that the commerce of this kingdom has been left exposed to the reprisals of the colonies*, at the very time, when their seamen and fishermen, being indiscriminately prohibited from the peaceable exercise of their occupations, and declared open enemies must be expected, with a certain assurance, to betake themselves to plunder, and to wreak their revenge on the commerce of Great Britain.

That we understand, that amidst the many disasters and disgraces which have attended on his Majesty's arms in many parts of America, an advantage has been gained by his

by his Majesty's British and foreign mercenary forces in the province of New York. That if a *wise, moderate, and provident use be made of their advantage*, it is not improbable that happy effects may result from *that use*. And we assure his Majesty, that nothing shall be wanting on our part to enable his Majesty to take full advantage of any dispositions to reconciliation, which may be the consequence of the miseries of war, by laying down, on our part, *real permanent grounds of connection between Great Britain and the colonies, on principles of liberty, and terms of mutual advantage*.

That whilst we lament this effusion of English blood, (which we hope has not been greater, or other than necessity required, and honour justified) we should most heartily congratulate his Majesty on any event leading to the great desirable end of settling a peace, which might promise to last, by the restoration of the ancient affection which has happily subsisted in former times between this kingdom and its colonies: any other would necessarily require, even in case of a total conquest, an army to maintain, ruinous to the finances, and incompatible with the freedom of his Majesty's people. We should look with the utmost shame and horror on any events, of what nature soever, that should tend to break the spirit of any large part of the British nation, to bow them to an abject unconditional submission to any power whatsoever, to annihilate their liberties, and to subdue them to servile principles, and passive habits, by the mere force of foreign mercenary arms. Because, amidst the excesses and abuses which have happened, we must respect the spirit and principles operating in these commotions. Our wish is, to regulate, not to destroy them. For though, differing in some circumstances, those very principles evidently bear so exact an analogy with those which support the most valuable part of our own constitution, that it is impossible, with any appearance of justice, to think OF WHOLLY EXTIRPATING THEM BY THE SWORD IN ANY PART OF HIS MAJESTY'S DOMINIONS, WITHOUT ADMITTING CONSEQUENCES, AND ESTABLISHING PRECEDENTS, THE MOST DANGEROUS TO THE LIBERTIES OF THIS KINGDOM.

The question was put, Whether these words shall stand part of the motion?

It was resolved in the negative.

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Dissentient.

MANCHESTER.

ROCKINGHAM.

DE FERRARS.

PORTLAND.

KING.

EFFINGHAM.

RICHMOND.

CRAVEN.

ABERGAVENNY.

SCARBOROUGH.

FITZWILLIAM.

PONSONBY.

DEVONSHIRE.

ABINGDON.

November 1.

Address presented.

The humble Address of the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in Parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious speech from the throne.

It is with the truest satisfaction we congratulate your Majesty on the success of your arms in the province of New York, the recovery of Canada, and the fair prospect of decisive good consequences, which, under the blessing of Divine Providence, is now opened by the firmness of your Majesty's councils, the valour and good conduct of your Majesty's officers and forces by sea and land, and by the zeal and bravery of the auxiliary troops in your Majesty's service.

We beg leave to assure your Majesty, that nothing would have given us equal happiness to the having been informed by your Majesty, at the opening of this session, that the troubles, which have so long distracted North America, had been at an end; that your Majesty's unhappy people in those provinces had recovered from their delusion, and, awakened by a due sense of their misfortunes and misdoings, had delivered themselves from the oppression of their leaders, and were returned to their duty. While we lament that your Majesty's humane and merciful intentions have been frustrated by the neglect shewn to the means of conciliation notified under the authority of your Majesty's royal commission, we feel the strongest indignation at the insolent manner in which they were rejected; and we want words to express our abhorrence of the desperate spirit of those overbearing men, who with an insatiable thirst of power and dominion, which has uniformly actuated all their proceedings, have now renounced allegiance to the crown, and all political connection with Great Britain; and, with an arrogance equal to the enormity of the attempt, left a doubt of their
real

real designs should remain on the breast of any person whatever, have set up their rebellious confederacies for independent states. We are fully aware of the mischief which would accrue from the success of this treason to your Majesty's loyal colonies, to the commerce of this nation, and, more remotely indeed, but not less certainly, to the system of Europe, and to every state upon the continent of Europe possessed of distant colonies.

We reflect with pleasure on the solid advantage which will be derived from the object of the rebels being openly avowed and clearly understood, the unanimity which will prevail at home, founded in a conviction of the justice and necessity of your Majesty's measures. Inspired with the same zeal for the cause of our country which animates the kingdom at large, we will steadily support your Majesty in the vindication of the honour of your crown, and the just rights of Parliament, and will cheerfully concur in making the necessary provisions for those great purposes.

The assurances of amity, which your Majesty continues to receive from the several courts of Europe, afford us great satisfaction; we entertain the most grateful sense of the endeavours, which your Majesty is exerting to conciliate the unhappy differences between two neighbouring powers; and we trust that, by your Majesty's auspicious endeavours, these misunderstandings will be removed, and Europe continue to enjoy the inestimable blessings of peace. Permit us, Sir, at the same time, to return your Majesty our dutiful thanks for your provident attention in guarding against any events which may arise out of the present situation of affairs, by keeping us in a respectable state of defence at home.

With hearts full of duty and gratitude, we acknowledge the happiness which, under your Majesty's mild government, is extended to every part of the British Empire; of which the late flourishing state of the revolted provinces, their numbers, their wealth, their strength by sea and land, which they think sufficient to enable them to make head against the whole power of the mother country, shew that they have abundantly participated. And we earnestly hope, that your Majesty's paternal object of restoring your distracted colonies to the happy condition from which, by their own misconduct, they are wretchedly fallen, will be speedily attained.

His Majesty's most gracious Answer.

My Lords,

I return you my thanks for this dutiful and affectionate address, It

It is with the greatest pleasure I observe the satisfaction which the success of my arms against the rebels in North America has given to all my loving subjects. That which you express is highly acceptable to me.

The preservation of the public tranquility ; the happiness of all my people ; and the maintenance of our most excellent constitution, are the invariable objects of my heart.

Adjourned to November 4.

November 4.

King's answer reported.

November 5.

Anniversary of the gunpowder plot.

November 6.

Private business.

November 7.

Nothing done. Adjourned to November 11.

November 11, 12, 13.

Private business. Adjourned to November 18.

November 18.

Private business.

Earl of

Marchmont.

The Earl of *Marchmont* said, he had observed, with some concern, the business of parliament postponed in the early part of the sessions ; in the winter time little done, and little to do ; every thing put off from time to time, till the spring or summer, when every thing comes together ; what with bills from the other House, what with reports from the judges, what with national affairs, what with appeals, and what with private applications, all the business was crowded into a few weeks of the summer, to the very great inconvenience of the peers attending the business, and to the no great benefit of the public. He therefore moved, " that no report of the judges, or private petitions, should be received after the 27th of March next, during the present session ;" which was agreed to.

November 19.

No debate.

November 20.

Bills passed. Adjourned to November 25.

November 25.

Private business.

November 26, 27, 28, 29.

No debate. Adjourned to December 2.

December 2.

Bills passed. Adjourned to December 13.

December 13.

Day appointed for a general fast. Adjourned to January

23, 1777.

January 23, 1777.

Private business. Adjourned to the 27th.

January 27.

The same.

January 28.

The same.

January 29.

No debate.

January 30.

Decollation of Charles I.

January 31.

No debate. Adjourned to February 3.

February 3.

Private business. Adjourned to the 6th.

February 6.

Private business.

February 7.

The same. Adjourned to the 11th.

February 11.

In committee on the bill, (from the Commons) giving power to the lords of the admiralty to grant letters of marque, or commissions, for taking and seizing all ships and vessels belonging to the American colonies, and for other purposes therein mentioned.

The Earl of *Marchmont* objected to the word *marque*, as applying more properly against an alien enemy, and proposed, that the title of the bill be changed, and that wherever the word *marque* stood in the bill, in its original state, the word *permission* be substituted instead. Earl of Marchmont.

Earl of *Sandwich* said, the matter now urged was of so little consequence in itself, the word *permission* or *marque* being perfectly indifferent to him; yet he was to learn, what real or efficient distinction there was between the two. The idea, he believed, which prevailed in the other House, was simply this: the lord high admiral of Great Britain, or the commissioners appointed to execute that office, have at all times, as a matter inherent to their office, and competent to the due exercise of it, a right to issue letters of *marque* and *reprisals*, by way of general or particular indemnification. This inherent power has often been exercised. It was exercised before the Spanish war, that is, before war was announced, and hostilities formally declared. The admiralty board issued letters of *marque* and *reprisal* against all ships and vessels, the property, or belonging to the subjects of Earl of Sandwich.

Spain, The board, however, found themselves in a new situation, at the breaking out of the disputes with America; those letters had been always issued against foreign or alien enemies; the board consequently applied to Parliament for their assistance and advice; the consequence of which was, the bill now before their Lordships. For his part, therefore, he was very indifferent which word stood; but unless some substantial reason was offered, he always understood it to be a rule of Parliament, never to alter a bill, because it gave trouble to no purpose.

Earl of
Marchmont.

Earl of *Marchmont* allowed, that the situation was new, and the distinction made very fairly and satisfactorily by the noble Earl: but still, he wished that the bill might be worded in such a manner, as to remove all possibility of objection; and since it was substantially the same, he thought it might as well stand so, as to remove any doubt that the present bill meant to authorize a naval war, to be made against our American subjects, as against alien enemies. The amendment was agreed to. Adjourned to the 14th.

February 14.

The letter of marque bill reported, and the amendment agreed to by the House. Adjourned to the 17th.

February 17.

Private business.

February 18.

The same.

February 19.

The same.

February 20.

Second reading of the bill (from the Commons) to suspend the *habeas corpus* law, &c.

Earl of
Coventry.

The Earl of *Coventry* asked, whether it was understood or intended, that without proof positively made, of a person being out of the realm, he would be liable to be apprehended on suspicion, and committed to prison during the continuance or operation of this act; or whether the party charged on suspicion may not, before commitment, be at liberty to exhibit proofs before a magistrate of his innocence, or of his being within the realm at the time laid in the information, or grounds of suspicion.

Earl of
Suffolk.

Earl of *Suffolk* said, it was not the design of the framers of the bill to punish any innocent person whatever; that it was brought in as a measure of government to punish the guilty; that, however, it would be very impolitic, in his opinion,

opinion, to permit the friends and abettors of the rebellion in America to be at large, and at liberty to do mischief, without a possibility of preventing it. If the bill now read would admit of any such construction, for his part, he would be one of the first for supplying that defect. He supposed the grounds of suspicion necessary to apprehend, were meant to be such, as would apparently and equitably justify such apprehension, and no other. He was certain, such was the intention of administration; and he was also certain, no other power was sought, but what might be supported on necessity, blended and tempered with justice.

The *Lord Chancellor*, to the question put by the noble *Lord Chancellor* Earl who spoke first, said, to be sure if proper facts were stated and authenticated before the magistrate, to prove the innocence of the person charged or suspected, it would be a good cause not to commit. Law and justice required such an interpretation. It would, in his opinion, be competent to the magistrate, to enquire into, and decide on the proofs, on either hand; and he recollected, he was one among a majority of his brethren, who determined in favour of the power of the magistrate to examine into and determine upon the degree of credibility the charge on ground of suspicion may be entitled to.

The bill was committed.

February 24.

In committee on the suspension bill. No amendment was made. The bill was immediately reported, and read a third time.

Resolved, that the bill do pass,

Dissentient,

First, Because I look upon this bill, not only as a part of that system of colony government, so inimical to civil liberty, so repugnant to the first and fundamental principles of the constitution, so ruinous in its measures, so shocking to humanity, and so averse from that now exploded virtue of universal benevolence; but because I see herein that system coming home to ourselves, and with hasty steps pointing its dangers, even towards the heart of the kingdom.

Secondly, Because the bill itself is attended with powers subversive of, and unknown to, the laws of the land, by apprehending persons, it may be, on groundless suspicion, by imprisoning perhaps the innocent, without the usual and necessary form of a single oath; and not too in the common jail of the

the county, but in whatever part of the realm, be it ever so distant, that persecution shall think fit to adopt.

Thirdly, Because, although the rider, which has been added by the other House, does in some degree abate the rigour of this harsh and alarming bill, yet it does not sufficiently provide for the security of his Majesty's loyal subjects, the inhabitants of the West India islands, falling under its baneful operation; nay, even any individual of this country, who shall venture on the high seas, if only to make the tour of the Hebrides, may become the object of suspicion, and the victim of vengeance.

Lastly, Because the hour is come, if from motives of policy only, that coercion to lenity should give way.

(Signed) ABINGDON,

February 25.

Private business.

February 26.

The same.

February 27.

The same.

February 28.

The same. Adjourned to March 3d.

March 3.

Bills passed by commission. Adjourned to the 5th.

March 5.

Report of a private bill, called *Jackson's Estate-bill*; which occasioned a debate: but in order to state the ground of it intelligibly, it will not be improper to give a brief account of the general nature of estate bills. The current idea on which they are framed, is either for relief or convenience. The former ground is, when a tenant for life, and the remainder man, from embarrassed circumstances, or motives for mutual benefit, enter into agreements for the sale of the settled estates. This, though supported by law, is productive of great abuse, and much hardship; either from the remainder man parting with his interest considerably under the real value, or barring the entail, and cutting off the interest of the next in remainder; which, to be sure, is a clear specific legal right, and may be disposed of, in many instances, without the aid of an act of Parliament. The more general and direct mischief is, where tenants for life, on various pretences, come to Parliament, to enable them to sell part of their estates, settled on their own issue, and limited to their brothers, sisters, &c. The reasons on which those applications are made

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are various; but the supposed terms on which they are received are always to purchase estates of equal value, to be enjoyed, and descend to the person in remainder. Those applications are always referred to the judges, who examine witnesses to the truth of the allegations set forth in the petitions, and report accordingly; but when the persons examined to the facts are only witnesses *ex parte*, it may be fairly presumed, that the controul in the first instance lodged in the judges, however ably or faithfully exercised, falls very short of what may be rationally expected from it, on a transient view.

The evils arising from this mode of qualifying the rigours of the common law was early and severely felt, so early indeed as in the reign of Charles the First, and after the Restoration, to give birth to several orders by the House of Lords, where those bills usually originate, to prevent the frauds and injustice frequently done to the remainder man.

One positive order was at length established, that the value of the estate sold should be invested in the purchase of estates, of equal value, and limited to the same uses.

So matters rested till the year 1705, in the chancellorship of the celebrated Lord Somers; when, on strong representations of the innumerable inconveniences arising from the order, where other lands could not be procured immediately, his Lordship proposed to amend the order, by allowing the tenant for life to lodge the money in the Bank, till a suitable purchase could be had, to invest the purchase-money in land. From that time down, the standing order was dispensed with, and when no other obstacle stood in the way, applications of this nature from tenants for life were usually complied with as matters of course.

When the report on Jackson's estate bill was moved

The Earl of *Marchmont* enumerated a variety of instances, Earl of Marchmont. in which that House was liable to be misled, and the injustice, in consequence of such imposition, they might be induced to commit: his Lordship was therefore against receiving the present report, not as specifically pointed against this bill, but as the first step to a refusal of every application of a similar nature, till the standing order was revised, put upon a proper and equitable footing, and after such revival or correction, rigorously and punctually enforced.

Earl of *Sandwich* was for agreeing with the present report; Earl of Sandwich. and if the general mischiefs stated by the noble Earl, upon enquiry, were found to be true, he was very willing, he said, to

to assist in framing any order which might promise to be the means of putting a stop to them ; but as to the present case before their Lordships, when the petitioners had taken all the necessary steps, known or imagined at the time they applied, he thought that a desire of doing general justice, if carried to the length the noble Earl seemed desirous of, would in fact be partial injustice.

Lord Sondes. Lord *Sondes* declared himself of the same opinion. He said, that no harm could possibly be done to the remainder man ; that the money, when deposited by the hands of the accomptant-general in the Bank, bore interest ; that the remainder man had no claim, but for a fair equitable value ; and that, if fraudulent means were practised to defeat the objects of such bills, it was impossible to prevent them by any order whatever ; which came substantially to this, that the order should continue to be dispensed with, in the usual manner, or no more applications of this kind be received or complied with. He added, besides, that he by no means thought it a fair or conclusive mode of arguing, to object on general grounds of mischief and abuse, without supporting those general objections, in particular cases, to shew they were well founded.

Lord Chancellor.

The *Lord Chancellor* came down from the woofsack, and observed, that the question, without going into detail, might be well taken in two points of view ; first, as to what had been argued by the noble Earl who originally started the subject ; and secondly, as to the standing order. The noble Earl who supposed that interest accrued from the money lodged in the hands of the accomptant-general, to be by him deposited in the Bank, was, he begged leave to acquaint the House, misinformed, for it was merely a deposit, from which no benefit was derived ; so that let the sale of an estate be conducted ever so equitably, the money lay in the Bank totally useless till a purchase of other lands was made in lieu of those sold. In his opinion, therefore, the standing order under which the House now acted, though ever so religiously complied with, did not come up to his idea, because it locked up the money from the original seller, till he could make a purchase. On this ground he thought the order ought to be extended ; and as a means of compelling the seller to invest the money in lands, that the accomptant-general should be empowered to vest the money in three *per cents*, and that the interest should accrue till such purchase could be had, for the benefit of the remainder man. It would, in the first place,

operate as a spur to the tenant for life, to purchase as soon as possible, and be in some degree an equivalent for the possible loss which might arise on the fall of stocks. Here, his Lordship descanted on the comparative value of property invested in the funds and in lands. He observed, that land was in a progressive state of increase of value; while the funds, in an *inverse ratio*, were on the decrease, which he took for granted, from some recent fluctuation in the stocks. For these reasons, he was for putting a negative on the report now offered to be made, and for taking the standing order into consideration on a future day.

Agreed to. Adjourned to the 7th.

March 7.

Private business. Adjourned to the 10th.

March 10.

The same.

March 11.

The same.

March 12.

The same. Adjourned to the 14th.

March 14.

The same. Adjourned to the 18th.

March 18.

Lord Dudley presented a petition from the persons concerned in the estate, praying, that they might have time to shew to the House, that they had no intention to mislead or impose upon the House, and to shew that the facts stated were well founded, &c. Ordered to lie upon the table.

The order of the day, to revise the standing order, was read; the House went into a committee; Lord Scarisdale in the chair.

The Earl of *Marchmont* said, that the matter about to be taken into consideration was of singular importance; it was nearly connected with the landed property of the whole kingdom. He had long observed the shameful abuses which had been permitted, and had gradually crept into this mode of defeating the remainder man, or the person to whom the estate was to descend. He then gave a history of the order; he said, it was a variation of the order made in the year 1705, in the chancellorship of Lord Somers. That great lawyer and able statesman, was daily witness to the injustice committed by the tenants for life, and those tied down by strict settlement. He observed, that they came to Parliament, under various pretences, for leave to sell their
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settled estates, and shamefully evaded, in numerous instances, ever performing the conditions on which they obtained such permissions. Such being the case, in the year above-mentioned, he submitted his ideas to the House on the subject; the consequence of which was, that the House made the standing order, No. 100, which expressly provided, that no bill for the sale of a settled estate should be reported from the committee, till estates of an equal value in land was purchased, in lieu of those sold to be settled by the same uses, unless sufficient reasons were shewn at the same time, that such a purchase could not be then had. This condition opened a door for evasion; the power being lodged in the committee, applications were constantly made, and pretences set up, to evade it; family distress, and a thousand apologies, flowing from the same source, were pleaded, to the manifest injury of the remainder man. This evil grew to an enormous height, till about the year 1762, when the present standing order was proposed by one of the first law authorities this country ever beheld, who amended the standing order of the year 1705, by compelling the person who applied for liberty to sell, to lodge the money in the Bank, till another landed estate of equal value could be found and purchased. So matters rested till about the year 1767 or 1769, when an application was made by a member of the other House; his case being singularly severe, the order was dispensed with in his favour; and from thence to the present time, the interest of the remainder man has been totally neglected; all that was sought, was just a decent pretence to dispense with it; and thus Parliament, under the idea of law and justice, have been employed in acts of the utmost injustice. Several objections had been made to the order of the year 1705, relative to the impossibility of procuring a landed estate at the time, and the great hardships which must happen, if no person should be admitted to sell, till he had previously agreed for a purchase; and a learned and noble Lord near him, [Lord Chancellor] had proposed to lodge the money in the hands of the accomptant-general of the court of Chancery, to be by him placed out in the three *per cents*, in like manner as that of the suitors of the said court, to accumulate for the benefit of the person entitled to the reversion, or contingent remainder. This was plausible, and certainly every way more eligible than letting it lie useless to the parties; but still, all property in the funds being liable to fluctuation and loss, he did not approve of any security, short of landed property.

If it was the opinion, however, of the noble and learned Lord, and the House, that that mode was better than lodging the money in the Bank, where no interest would accrue, he had no objection; and should move an amendment to leave out certain words in the order, and insert instead thereof, "to be placed out in like manner by the hands of the accomptant-general, pursuant to an act of the 12th of George I. chap. 32."

The *Lord Chancellor* said, whatever opinion he might have first entertained on the subject, he doubted whether the amendment now proposed, would answer any one substantial good purpose. The grounds of application for leave to sell, always supposed an immediate intention to purchase an estate of equal value, as soon as such a purchase could be procured. If, then, the present amendment was to take place, it would be productive of great trouble, and probably no small share of confusion. The tenant for life might meet with a purchase in six months after he parted with the settled estate, or in a shorter period; here there would be the expence attending the purchasing in and selling out the three *per cents*, and the risque of loss, &c. Besides, while the money was lying useless in the Bank, it would operate as a spur on the tenant for life, and urge him to lay out the money in an estate in land, by which he must profit, and take it out of the funds, where he could not, and be a general motive for him to procure a landed purchase, before he applied to Parliament for permission to sell.

Lord *Sondes* said, that the standing order was always dispensed with, as long as he remembered any thing of Parliament; that there were twenty-two bills of a similar nature now before the House; that the parties had been put to a considerable expence; though, in future, the standing order should be rigorously adhered to, it would be a very great hardship for those who came to Parliament, on the faith of its general dispensation of the order, not only to be disappointed, but be obliged to sit down at a very heavy loss. He spoke in particular of an annuitant, who had released the tenant for life, under an opinion that one of the bills would pass in course, and now was left without any possible relief whatever.

Earl of *Marchmont* observed in reply, that nothing was more frequently practised, than setting up such pretences to prevail on the committees to dispense with the order; that the tenant for life engaged in transactions, by which innocent

people might be affected, and then the situation in which innocent persons stood, was made a plea for acts of the most notorious injustice. His Lordship added, that King Charles the Second had taken notice of the mischief now complained of, in one of his speeches to Parliament; and read the passage, as quoted by Lord Clarendon, in which that monarch says, It is well if posterity will not have reason to lament, that Parliament have broke into family settlements, and rendered the landed property of the kingdom precarious; or words to that effect.

Earl of
Mansfield.

Earl of *Mansfield* concluded the debate. He said, it would be impossible for any thing the House could do to bind it in future. To-morrow, or the next, or the third day, it would be competent to their Lordships, to dispense with this, or any other of their own standing orders; a standing order imported no more than a rule, which is no longer binding, than it shall be found convenient and necessary: but he trusted, that every noble Lord present, as their Lordships seemed to be almost unanimous, would agree and consent to abide in future by whatever should be now determined. His Lordship then pointed out the extent and enormity of the mischief, and the necessity there existed of cutting it up by the very roots. He said, that one gentleman came to have his estate rendered more round and compact; another to have it all in the same county; a third to increase his rental, or extend his demesne. Family incumbrances, and personal misfortunes, were pleaded; even the folly and extravagance of both. The distresses of the remainder man, or tenant for life, were urged as motives: whatever the motives might be; according as circumstances created plausible grounds for applications, for among so many, there must be now and then some cogent ones. His Lordship was totally against relaxing the order, or dispensing with it in future, upon any pretence or real consideration. It was a sound maxim in law and politics, that partial evil must be suffered, in order to obtain universal good. Law and justice were not to be departed from, for the advantage or private convenience of a few, and to the mischief and perhaps undoing of thousands yet unborn. The law was a common protection, both to the tenant for life, and the remainder man: to secure to one the benefit of his life-rent, to the other that of his reversion. It was intended to protect the child who had never seen the light, as well as the living father, and could properly consider neither of them, but as they were entitled to certain rights. It had
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frequently been the custom, and in none more than the present instance, to come to Parliament to effect that injustice, which a due execution of the law would not admit. He always disapproved of the interference of the legislature, unless it was evident, that no possible evil could flow from such interference: experience had already shewn, that was not the case in the present instance. He therefore begged leave to remind their Lordships, that if they intended to support their standing order now, they would be virtually bound not to dispense with it in any possible given case whatever, that might hereafter come before them.

The motion was then put on Lord Marchmont's amendment, which was rejected. The same was reported, and finally agreed to; and the standing order, No. 126, ordered to be rigorously adhered to.

March 19.

Private business.

March 20.

The same.

March 21.

The same. Adjourned to the 24th.

March 24.

The House in committee on the bill (from the Commons) to restrain the sale of life annuities.

The Earl of *Abingdon* said,

Earl of
Abingdon.

My Lords, I do not rise to discuss the legal points of this bill; that I must leave to the learned Law-Lords, whose business it more immediately is, and who, I am persuaded, will not be deficient therein; but I rise, my Lords, to say one word as to the unconstitutional tendency of it. Whatever looks towards any innovation in the constitution of this country, will always rouse my opposition thereto. On this ground, this bill strikes me very forcibly. In the first place, it is not calculated for the genius of a free nation, who claim and exercise the liberty of using their own property as they please. This bill is a restraint upon that liberty: besides, our laws lay no restrictions upon oeconomic prudence; and in a commercial state, such as this is, it is not fitting that they should. In an arbitrary country such a bill might pass; but, my Lords, this bill is carried beyond what matters of this nature are carried even in arbitrary countries. In France, if a man wastes his estate to the injury of his family before he arrives to the age of thirty, his person, by *lettre de cachet*, may be put into prison, there termed *la maison de force*,

and his estate put into the hands of *curators*; but the moment he arrives at this supposed age of discretion, he may dissipate his fortune with impunity. But, my Lords, this bill says, that no man, at no age or time whatever, shall buy or sell an annuity, unless the consideration and the grant shall be according to the ideas of a court of justice. These are fetters that should be loosened. So far, my Lords, as this bill respects minors, I most cordially approve it, for I think too much cannot be done to prevent the next generation from falling into those snares of corruption, which seem to threaten the present with such imminent danger. In the next place, the learned framers of this bill, by giving to the court of King's-bench a concurrent jurisdiction with the court of Chancery, has forgotten that the court of King's-bench is a court of common law, and not a court of equity. My Lords, against such an innovation as this is, we cannot be too watchfully on our guard. The moment that the court of King's-bench ceases to be bound by the common law of the land, and to be directed by that, and that only, in that moment the constitution of this country is lost. I therefore trust, my Lords, that so pernicious and dangerous a precedent cannot meet with the sanction of this House. There is one objection more which I will mention to your Lordships, and it is this; that this bill is to operate as an *ex post facto* law. My Lords, I need not urge arguments against laws of this nature. There is scarcely any one circumstance, at any time, that can give the least colour to them. In the present case, no possible good can arise, and the mischiefs are beyond detail. It will occasion what every court of justice has invariably set its face against, a multiplicity of suits; and this, in my opinion, is sufficient ground of objection. For these reasons, my Lords, to this bill, in its present state, I shall give my hearty negative.

Earl of
Mansfield.

The Earl of *Mansfield* rose, and took a full view of the whole bill. His experience, he said, had long since taught him, that some bill was wanting to put a stop to the usurious contracts, and fraudulent transactions, which had been practised for many years, and which now were carried to a height of enormity, that called for a timely and effectual interference of the legislature. He said, he had turned his thoughts to the subject of the present bill, long before it came before him in his legislative capacity. He had had the best advice on the subject, and consulted some of the first law authorities, and particularly the honour-
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able gentleman who brought it into the other House; yet, though the necessity of such a bill became more and more apparent, and the excesses and injuries from the present mode of granting annuities, became every day more extensive, and called more loudly for redress, he recommended to their Lordships, to proceed with caution, and not, through a warm or blind zeal for reformation, create greater mischiefs than those proposed to be remedied or prevented by the present bill: by going for too much, their Lordships might perhaps lose all. We shall never totally eradicate the evil, though we may soften, blunt, and qualify its noxious effects. So long as there are fools to be imposed on, or knaves to profit by their folly, we cannot promise a total amendment, such as the present bill so commendably aims at. Let any man but attentively peruse in his closet, the several statutes already passed against usury and gaming, and the penalties annexed to the breach of them; and if every day's experience did not testify the contrary, he would conclude, as a matter of certainty, that no man would venture to game, or advance money at an unlawful rate of interest; indeed, such an idea would go to prove the non-existence of almost every crime, to which the laws have annexed any species of punishment. Who could be persuaded that any man, highwayman or other, would venture to rob or steal twenty or thirty shillings, or perhaps infinitely a smaller sum, when death on conviction is to be almost the certain consequence, if the numerous executions in this metropolis did not put it beyond doubt, that the punishment, however severe, was not sufficient to deter?—But if the bill cannot answer all the purposes which may be wished, it will certainly put a stop to some of the evils complained of: nay, it has already done so in part; I am informed, and from authority which cannot be doubted, that its effects are already felt: so far the author has been fortunate, and so far, suppose the bill should be actually lost or defeated, the public stand highly indebted to him, both in point of effect and intention. I am informed, that several redemptions have actually been offered, which is indeed, according to my apprehension, the grand object of the bill. You may pretend to limit, restrain, and controul such objects, as much as you please, but you will never be able to annihilate them. The object your Lordships ought to aim to attain, since people will make foolish bargains, and will render themselves a prey to usurers, stock-jobbers, &c. is to take care that no fraud be committed; or, if there should,

should, to create a power in the courts, in a summary way, to relieve the party defrauded. I am sensible, that no proposition, however well intended, or ably drawn up, can be free from objections; it is, however, our business to render the bill as complete as possible. The first clause I would move to mend, is, that for enrolling the deed, &c. in the high court of Chancery. This provision, however proper and necessary, may happen often to be omitted, from negligence, inattention, or the ignorance of the parties. By the present bill, the whole transaction is declared null and void, if the deed, &c. be not registered or enrolled within a limited time. Now, for my part, I think this clause might lead to greater frauds, and acts of more notorious injustice than those it is intended to prevent: besides, the spirit of our laws, and the general construction of them, speak a different language. Acts are yearly passed, to give time for persons to qualify themselves for offices; to Roman Catholics, under particular circumstances, to make returns; and in various other cases, where the time limited for such qualification, return, &c. is some months, perhaps, elapsed. Advantages may be taken of ignorant or uninformed persons; and, in my opinion, it would be very severe to permit the grantor to avail himself of any want of legal knowledge in the grantee, or profit from his experience or neglect. There are many possible cases, in which a grantee might be led into such an error, on purpose to profit by his ignorance or inattention; nay, indeed in one of the strongest statutes, and one nearly connected with the whole mass of landed property in this kingdom, the statute of frauds, it is there specially provided, that to convey lands by will, there shall be three subscribing witnesses; yet, in many instances, if the ignorance of the testator, or the impossibility of procuring witnesses, or the testator's full intention, be clearly made manifest by other circumstances, this formality is dispensed with, and the will allowed to be valid. For these reasons, therefore, I propose to move, that the words *null and void*, in case of non-enrolment, be left out, and that instead thereof be inserted, *the sums so advanced to be demandable with interest*.

My Lords, the next clause I shall move an amendment in, is that clause which provides against fraudulent payments in goods, notes, &c. This clause, as it now stands, is exceptionable, and unnecessarily provided for what, when the amendment takes place, must fall to the ground. The clause says, "if any part of the consideration shall be re-
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turned to the person advancing the same, or in case the consideration, or any part of it, is advanced in notes; or if any of the notes are not paid when due, or shall, with the privity of the person advancing the same, be cancelled or destroyed, without being first paid, &c. it then proceeds to create a jurisdiction in the courts of common law, to examine, enquire into, &c. and in case of refusal, empowers the court to order the deed, bond, assurance, &c. to be cancelled, and the judgment, if any has been entered, to be vacated." Now in the first instance, this would give birth to endless litigations. It is true, the clause is well conceived and well intended; it is directed against those fraudulent contracts made with persons under age, or possessed of reversionary rights, or in imminent distress, where the parties pay full seventy *per cent.* Many circumstances of this kind have come to my own knowledge, that were particularly intended to evade the statutes against usury. When a man takes notes in payment, and returns them, or takes goods, which are immediately sold at a discount of fifty *per cent.* which, with the expences attending the sale, such as brokerage, warehouse-rent, and other contingent expences, amount to a defalcation of full seventy *per cent.* out of the ideal sum borrowed. I have heard of a service of plate, and a very curious one it is; it is always regularly taken by the grantor for 1200l. and as regularly received back by the grantee for 700l. which, with the expence of brokerage, of negotiation, and auctioneer's brokerage, fixes the hard money at pretty nearly what I say; sometimes, indeed, the profits of the grantee extend further. I remember a case of this nature, which lately came before me; a person who had a reversion to dispose of, sold it for 2000l. for which he received in Manchester goods to the amount of 1400l. he gave a bond for the money advanced, and took a note from the Manchester warehouseman for the goods thus purchased. He passed the note, and received cash for it; and when the note came to be demanded from the Manchester man, he produced the grantor's bond, by way of set off, and said that was his security for the goods, for which he passed the note in question. The consequence of which was, that the gentleman was defrauded out of his reversion, or annuity, and is now obliged to reside abroad, to avoid being arrested. If, therefore, you have a mind to cut up any possibility of future litigation on this head by the roots, your Lordships will leave out all the preventive provisions of this clause; and af-
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ter the words, "if any part of the consideration *shall be*," leave out the words till you come to *advanced*, and after *advanced*, insert in *money only*. There have been objections made to the latter part of this clause, as investing the courts of common law with an equitable jurisdiction; and on that ground, authorizing the court to decide in a summary manner. I believe, however, on examination, this objection will appear to be ill-founded, because the court of King's-bench exercises that power in many instances, particularly in the case of popish patrons, who have a right to present, and who employ trustees to convey their right of patronage for improper purposes. The court of King's-bench, in that case, has a right to bring the parties into court, and is competent to exercise every equitable power necessary to a full discovery between the parties, the patron, the trustee, and the incumbent; but that is not, nor can be the case here. Either the parties will not discover upon a principle of honour, or if they should discover, the latter part of the clause is useless; for if money be not paid, the party is at liberty to redeem; or the next clause, which provides against fraud, will answer the same end; so that take the event either way, the clause will be useless. You cannot compel the grantor to discover, though you may encourage him, it will still remain on the foot of a debt of honour, or a gaming debt; and if you should load the bill too much, you will only load the grantor with an additional expence; for the value of money, and the low price of the annuity, will rise and fall, in proportion to the risque incurred by the lender or grantee. Nothing can be a stronger proof of this, than the exorbitant premiums demanded on every species of usurious contracts, where the very risque always enhances the terms on the seller or borrower. It will consequently be totally unnecessary to leave the remainder of the clause standing; I shall, therefore, move, that the words from *advanced*, to the end of the clause, be left out.

The last amendment I mean to submit to your Lordships is, that which authorizes the court, in any suit, action, &c. that should be brought, to examine and enquire into the just and true value of any such rent-charge or annuity, (now subsisting, or which shall hereafter be granted) at the time of granting the same; and also, what consideration was at such time really and *bonâ fide* paid, or given to the grantor or grantors, by the grantee or grantees, for the same, &c. and whether such annuity or rent-charge was inadequate to its value,

then such deeds, &c. to cease and become void, upon repayment of what shall appear really due to such grantee or grantees. This clause, my Lords, however well intended, would, I will venture to say, never answer the purposes for which it was framed, in its present state. What, for instance, can be more uncertain and fluctuating, than every single object to which such an enquiry would of course be directed? A man's state of health, his manner of living, the company he keeps, the hours at which he goes to bed, his age, the very price of stocks, their general state of fluctuation, the number of buyers or sellers at market; in short, a variety of circumstances, much too numerous to repeat, but all of real consideration to such an enquiry. I am aware that this objection may lose the bill in the other House; that does not weigh with me, nor can it operate on your Lordships. It is your business, to render the bill as useful and complete as possible. If it should be lost there, you will have nothing to blame yourselves for: though the bill went no further, it has already done great and essential service. It is therefore my intention to move the clause, so as to confine the jurisdiction of the court to an inquiry into frauds, and a power conformable thereto, to give a summary relief to the parties agrieved. In consequence of this intention, I shall move, that the whole of the next clause, from the word *action*, be omitted; and that there be inserted, "to inquire into the same in a summary way, and determine whether any fraud was committed in the negotiation of such rent-charge, annuity, or sale; in which case, the court shall judge and give relief to the party, and the grantor or grantors shall be at liberty to redeem."

His Lordship moved, that the words, "null and void to all intents and and purposes," in the last line of the first enacting clause, be left out; and that, instead thereof, there be inserted, "deemed to be taken, to be a security for the money really advanced, with interest."

His Lordship moved, that the words in the fourth enacting clause, "and in case the same, or any part thereof, shall consist in goods, or any other thing than money, the nature, quantity, and value, of such thing or things," be left out; and that there be inserted instead thereof, "which shall be in money only." And towards the conclusion of the said clause, another amendment, precisely the same as the first, namely, "deemed, or taken to be, a security for the money really advanced, with interest."

In the fifth enacting clause, after the word *paid*, in the sixth line, his Lordship moved, that lines seventh and eighth be wholly omitted; and in the same clause, page fourth of the printed bill, eighth line, that from the word *action* to the word *aforesaid*, inclusive, fifth line from the bottom, be wholly omitted; and that after the word *vacated*, last line, there be inserted, “upon payment of such money as was really paid and advanced, with interest.”

In the seventh clause his Lordship moved, that the words, “into the just and true value,” eleventh line, be left out, and there be inserted instead thereof, “in a summary way,” and in the same clause, that the words, “at the time of granting the same; and also, what consideration was at such time, really and *bonâ fide*, paid or given by the grantee or grantees to the grantor or grantors, for the same,” be left out; and that there be inserted instead thereof, “was obtained by fraud, or other undue means; or whether the grantor is entitled to redeem the same.” In the same clause his Lordship further moved, that the words, “it shall appear from the verdict of such jury, or the report of such officer, or upon the examination of the matter by affidavit; and it shall be declared, decreed, or adjudged by the court, that the purchase of such annuity, or rent charge was so unfair, that the same ought to be set aside,” be left out; and that there be inserted instead thereof, “the court shall adjudge the same was fraudulently obtained, or that the grantee is intitled to redeem.”

Lord Camden.

It was the foregoing amendments, in the seventh clause, that Lord *Camden* solely opposed, and on which he moved the provisional clause of appeal. His Lordship objected to the summary jurisdiction, created by this clause; but said, the enormous mischiefs which the sale of annuities were daily productive of, made it necessary to contrive some means of preventing their increase; that although he did not like the amendment entirely, he would propose a clause, that he hoped would, in some measure, render it less exceptionable. His Lordship accordingly moved a clause of appeal to that House, in fourteen days after any decision, created by this bill when Parliament was sitting; and in case Parliament was not sitting, in fourteen days after its next meeting.

Earl of Mansfield.

Earl of *Mansfield* defended the clause, in point of prudence, where in a hundred cases summary jurisdictions were created, as only applicable to create the ends of justice. If the right of appeal was given, he doubted whether it would not open a door

a door for innumerable expensive litigations which would never have been so much as thought of, but for the right of appeal.

The *Lord Chancellor* was of the same opinion; and said, it *Lord Chan-*
would be a delay, if not a hindrance of justice, if the appeal *cellor.*
were admitted.

Lord *Lyttelton* argued the point on the ground of expe- *Lord Lyt-*
diency and national justice; and connected his arguments *telton.*
with the honour and jurisdiction of the Peerage, which should have a dernier judicial controul in all possible cases whatever. The clause of appeal was rejected by a majority of 49 to 13.

Lord *Camden*, at the end of the seventh clause, moved a *Lord Cam-*
provisional clause, in the following words, which was agreed *den.*
to: "And be it further enacted, by the authority aforesaid, that the court may in every such case as aforesaid, award to either party such costs as to them shall seem just."

On the concluding clause, Lord *Radnor* observed, that vo- *Lord Rad-*
luntary grants arising for favour or affection, as well as all *nor.*
other voluntary grants, where no consideration was received for the same, being not excepted, might be construed to come within the meaning of the act, so as to compel the parties to enroll the same. His Lordship therefore moved, that after the words *said annuity*, seventh line from the bottom, there be inserted, "Nor to any voluntary annuity granted without regard to pecuniary consideration," which was agreed to.

Earl of *Abingdon* condemned that part of the same clause, *Earl of*
which has a retrospective reference to annuities sold and se- *Abingdon.*
curities given, previous to the passing of the act. He observed, that *ex post facto* laws were contrary to the fundamental principles of natural justice; that no man ought to be punished or suffer for an act that was deemed legally innocent at the time it was committed; that it was worse than tyranny, and was contrary to every rule of human jurisprudence. He wished for these reasons, therefore, that that part of the bill which compelled grantees in possession of annuities, which by assignment came to their hands for a fair and full value, might be amended or omitted, so as to protect the interests of *bonâ fide* purchasers, who were totally ignorant of the frauds, if any, which were committed by the original grantee or grantees.

Earl of *Mansfield* observed, that if such an amendment was *Earl of*
to take place, it would be introductive of endless confusion *Mansfield.*
and litigation. It would be impossible to distinguish the *bonâ fide* purchaser for full value, from the fraudulent grantee. These contracts were always transacted in the dark, and under
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cover. The nominal grantee was generally, he believed always, a trustee for the real grantee; and it was somewhat singular, that among all the persons and the immense deal of property which were to be affected by this bill, no petition had been presented to either House; the clearest proof that the purchasers of these annuities did not think proper to avow themselves: in short, there was not one of them would venture to step forth, and sustain the brunt of the battle. His Lordship besides begged leave to remind the noble Lord, that bonds given to secure the annuities, like every other species of bond security, were not, like notes of hand, negotiable; the property, it is true, might be assigned and transferred into an hundred hands, but still the contract was deemed, in law, to exist only between the original contracting parties. The relief therefore sought in the present instance, was unprecedented, the holder of the bond having no claim whatever but on the assignee.

Lord Chancellor.

The Lord Chancellor seemed to think otherwise, and of course observed, that any clause for the security of *bonâ fide* purchasers, for full value, was totally unnecessary. His Lordship positively affirmed, that the *bonâ fide* purchaser coming into a court of equity, would not only be relieved against the assignee of the bond; but if the court were satisfied that the transaction was fair and incollusive, the holder would be relieved against the obligor, though the bond had been fraudulently obtained.

The amendments were ordered to be reported the next day.

March 25.

Earl of Abingdon.

As soon as the first amendment was reported, the Earl of Abingdon rose, and spoke nearly in the following words: My Lords, I was yesterday against the jurisdiction meant to be given to the court of King's-bench, and shall ever remain so; it is an unconstitutional power, and in these times it is a dangerous power; it will operate as a precedent for worse purposes: I will therefore divide the House upon this ground, though I stand single and alone.

Lord Camden.

When the amendments made to the seventh clause came to be reported, Lord Camden said, that he never liked the clause in its original state; he considered it at home, and found in it sufficient ground for disapprobation. He did not, however, come down to that House the preceding day totally uninformed of the amendment meant to be offered by the noble and learned Lord, now absent from his place; which he no

sooner heard, than he highly disapproved of. He was, he said, an enemy to every species of summary jurisdiction, except in very few cases indeed ; but when unaccompanied by the right of appeal, they became abominations, and monsters in civil, at least in English, jurisprudence. He spoke to the learned Lord that morning on the subject ; and though his Lordship did not seem to think that such a right of appeal was necessary, he determined not to oppose his Lordship's amendment, but to offer the clause of appeal to the House, and support it with such reasons as struck him ; hoping, that his acquiescence in the amendment proposed by the noble and learned Lord, would procure him a favourable hearing, and his clause of appeal a suitable reception. He was convinced that if the House was predetermined, which in the course of the committee he had some reason to find they were, how nugatory and ineffectual it must be to endeavour to bring it over to his opinion. He knew he might as well speak to stocks or stones, (or a stone wall) ; but nevertheless, he thought it his duty to propose the clause of appeal : that being rejected, without a single plausible reason assigned, he now meant to adhere to his first opinion, the implied condition, on which he waved it, not being complied with ; he should therefore vote totally and directly against the whole clause, as it stood amended.

Earl of *Denbigh* endeavoured to answer the last noble Lord, Earl of
Denbigh. by insisting, that an appeal did lay to the House of Peers ; that if any person thought himself aggrieved by the exercise of the summary jurisdiction created by the bill, it would be competent for him to appeal to that House. His petition would be certainly received ; and it was the wish and intention of the House, to receive appeals in all cases, but not to invite them, to the vexation, if not the ruin, of the parties. His Lordship further observed, that the very end of the clause would be defeated, if any such encouragement were given in the bill.

Lord *Camden* contended, that the House of Peers could not Lord *Camden*. entertain an appeal from the jurisdiction created by the bill ; that summary jurisdictions ought never to be established, unless in cases of downright necessity ; for they were no less repugnant to the ideas of general justice, than to the spirit of the constitution. Judges were fallible, as well as other men. Allowing every thing that could be said on the ground of integrity ; they were liable to err ; indeed the very mode of decision led directly to error ; and no man ought to wish
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for a power, which, from the very nature of its exercise, was liable to be abused.

Earl of
Suffolk.

Earl of *Suffolk* observed, that the noble and learned Lord's conduct was a little extraordinary. He owned, that he acquiesced in the clause as it stood amended; that he framed a clause of appeal, which rendered it unexceptionable; that he submitted it to the House, resolving to abide the sense of it, and rest contented in that sense; yet his Lordship came *opiniâtré* to give his negative to the whole clause, and thereby defeat the bill, because his ideas did not meet those of the majority. He hoped, however, that the bill would not be lost on that account, or that it would get out into the world, that their Lordships meant to abandon a bill which had already cost so much time and trouble, and which had hitherto been so commendably conducted by those who acted as its friends and patrons. If so, the consequence would be, that Jews, usurers, money-lenders, &c. would conclude, that the legislature had endeavoured to frame a law for correcting the evil complained of, but were able to effect nothing; but on the contrary, leave them at liberty to plunder the public at their pleasure, beyond the power of prevention to correct or limit.

Lord Cam-
den.

Lord *Camden* then explained fully what before he slightly mentioned. He said, he had a fair parliamentary right to negative the whole clause; that he did not do it *opiniâtré*, as controverting or opposing the sense of the whole House. He assented to the clause conditionally; and he was in the judgment of their Lordships, whether he was fairly bound by such a conditional assent, in any future stage of the bill, when the condition on which it was given was not complied with. He again maintained, that the summary jurisdiction created by the bill was dangerous and improper, and became more so, when it was considered that the arguments in support of it allowed the propriety of appeal; but those who made use of them at the same time refused to give it, under the pretence that such a right of appeal already existed.

Earl of
Marchmont.

Earl of *Marchmont* said, there was no person had a higher opinion of the great abilities, and professional knowledge of the noble and learned Lord, than he had; and it was therefore with great diffidence that he differed on the construction or interpretation of the clause from his Lordship; yet he always understood, that there were numerous instances in which summary jurisdictions were given, from which, nevertheless, there lay a right of appeal, particularly in the case

case of the Scotch elections, where the determinations were final; yet it was within the memory of every Lord present, that appeals were brought into that House, and decisions made thereon. It had frequently happened, and he trusted would often happen again.

Lord *Camden* replied, that he was not sufficiently conversant in the connexion between the local jurisdiction, established in that particular part of the island now mentioned; nor on what grounds the appeals were made from it to that House; but he could affirm, and would maintain, that no appeal lay in the present instance. He knew, in some particular instances, a summary jurisdiction was given and exercised without appeal; such was the power lodged in the court, in which, for some time, he had the honour to preside, respecting bankrupts; but there the nature of the business pointed out the necessity of such a jurisdiction; for if, where there were upon an average upwards of two or three hundred bankrupts in a year, and some of them had fifty or more creditors, if every creditor who imagined himself aggrieved was to have a right of appeal, the House, though it had nothing else to do, would not have time to decide upon each appellant's claim; and if it had sufficient leisure, instead of five or six shillings in the pound, the usual average amount of the dividend, the creditors would not have six-pence in the pound to receive.

Earl of *Marchmont* referred to another case, of an appeal from a summary jurisdiction, which the House determined in the year 1719, after a solemn consultation with the judges, from a commission appointed to enquire into and finally decide on the claims of persons in Scotland, on the estates forfeited in 1715. He said, he had not so high an opinion of the trappings of the law, as to sacrifice his opinion to it, nor give way to any authority, however respectable, when repugnant to the dictates of that small portion of common sense God had been pleased to bestow on him: the precedent was in point. He formed his opinion on the best lights he could obtain, and was always bound by it, till he had good reason to alter his former opinion. He had heard nothing hitherto, sufficient to induce him to do so; nor could he see how any man could venture or hazard an assertion, that it was not competent to that House to entertain appeals from every inferior jurisdiction in the kingdom.

Lord *Camden*, after inveighing against the depravity of the present age, which, he said, was fallen into the very abyss
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of vice ; and shewing the inefficacy of all restraining laws, while the morals of every rank of people continued so profligate and corrupt, re-asserted what he maintained from the beginning. He contended, that no appeal whatever, or in any shape, could be entertained by that House from the jurisdiction created by the clause in question. The jurisdiction given was to a court of law, therefore the proceedings must be by a writ of error. Error could not be assigned, but where a judgment at law had been given : a summary jurisdiction not admitting of a judgment, no writ could of course be brought. The other mode of appeal was from a judgment or decree in equity ; the common-law courts not being courts of equity, it followed, that in neither light could the matter be brought before the House of Lords. He added, that the summary jurisdiction, being common to all the common-law courts, and there being no appeal in respect of each other, the respective jurisdictions would, in all probability, be eternally clashing and contradicting each other, without a possibility of redress.

Lord Suffolk replied shortly ; and the question being put, the report was agreed to without a division.

March 27.

Annuity bill read a third time, and sent to the Commons, (where it was withdrawn, and two other bills brought in instead.)

March 28.

Bills passed by commission. Adjourned to April 8.

April 8.

Private business.

April 9.

Earl of Suffolk brought a message from the King, respecting the arrears of the civil list. (See the same message to the Commons this day, in Commons debates.)

April 10.

Private business.

April 11.

The same. Adjourned to the 16th.

April 16.

Order of the day for taking into consideration his Majesty's message, which was presented to the House on the 9th.

The Earl of *Derby*, after expatiating on the many and singular virtues of his Majesty, his œconomy, frugality, sobriety, wisdom ; his love of constitutional liberty, and of his country ; his affection for his people ; the high obligations they owed

Earl of
Derby.

owed to so just, wise, merciful, and magnanimous a prince ; stated the grounds of his motion, which he ventured to predict, would be received with that degree of duty, reverence, gratitude and respect, to which the august personage, who was to be the subject of it, was so confessedly and eminently entitled. His Majesty was, he said, no less conspicuous for his political than his private virtues. He was deserving of every grateful distinction, which his personal situation demanded, and which it was in the power of that House to bestow. The subject matter to be taken into consideration, should it be debated, would necessarily come to be considered in two different points of view ; namely, the discharge of the present debts, incurred by the excess of expenditure of the civil list, and the making a suitable provision for the time to come, in order to render such applications as the present, in future totally unnecessary. Whatever objections might be made to the latter, he presumed, there was not a single Lord present, whose generous feelings for his Sovereign would not point out the necessity of paying the debt already incurred ; and make him anxious to free his Majesty from those embarrassments he must suffer, in not having it in his power to pay off the demands of his household. He observed, that their Lordships could never think of refusing so reasonable a request ; they must feel too sensibly, not to perceive the necessity of freeing their Sovereign from those embarrassments, though they had proceeded from a proper want of œconomy ; much less, when it was known that they were caused merely by all the conveniencies, as well as luxuries of life, being enhanced in their value. He appealed to the candour of the House, and the individual knowledge of their Lordships, if the expences of living were not immensely increased, within a very few years ; and if their incomes were not proportionable raised, by the increased value of their estates. Shall the Sovereign then be the only person, within the circuit of this wide extended empire, who shall be doomed to suffer under the inconvenience of such a rise ; and yet be confined to a revenue which was deemed only a proper support of the lustre and dignity of the crown half a century ago ? He was certain, there was not a noble Lord present, who wished or desired any such thing. He said, that rules of œconomy in private life, however plausibly made, were by no means rigidly applicable to the conduct of a prince. He could not, without tarnishing the lustre of his crown, and disgracing the eminence and splendour of his situation,

descend into an examination of the *minutiæ* of his expences; he could not keep a narrow account of shillings and pences; it would be mean and paltry, and much beneath the dignity, and totally foreign to the more important objects which were supposed always to be the proper business of a crowned head, and were known peculiarly to demand and employ the attention of the Sovereign now on the throne. It was a consequence of his elevated situation, to conduct his public and private expences upon a larger and more liberal scale; indeed, custom had in some measure rendered it a duty; consequently their Lordships must expect, and the public well knew, that there must be some profusion; it was consequent of his situation, it was unavoidable. He asked, which of their Lordships, if they had a son, would wish to limit him to an inadequate income, an income short of his necessary expences? When the consequence would be, repeated applications to discharge the deficiencies created by the scantiness of that income, when the very deficiencies were known to be partly incurred, at least considerably augmented, by the manner of contracting the debt. This his Lordship applied equally to both objects; recommending to the consideration of the House, the paying off the debt already incurred, and the augmentation proposed, in order to prevent such applications in future: in both cases, it would be both generous and prudent to act liberally, and would be preventive of all further anxiety and trouble to either party. Besides those general grounds, his Lordship stated the justice of the application, in point of equity. He observed, that the late King had 800,000*l.* *per annum* at his accession, now exactly fifty years ago, settled on him; that he had certain duties appropriated to raise that sum, which by that appropriation became his property; that Parliament engaged, in case the duties did not produce the 800,000*l.* to make up the deficiency: that the duties were found to be considerably more, but that out of a paternal tenderness to his people, his present Majesty, on his accession, had generously given up those duties to Parliament, and relinquished his right to the surplus, for the stated fixed income of 800,000*l.* That by the accounts now lying on their Lordship's table, it appeared, that the duties had produced, on an average of the sixteen years of his Majesty's reign, an overplus of 120,000*l.* and a fraction, *per annum*, which taken together for sixteen years, amounted to nearly 2,300,000*l.* whereas the expenditure within the same period, including the 513,000*l.* granted in

1769, and the sum of 618,000*l.* now desired, amounted but to a little more than 1,100,000*l.* or an excess of about 70,000*l.* and consequently left a profit to the public, of nearly 1,200,000*l.* should the motion he intended to make meet with their Lordship's approbation.

His Lordship then moved, "That an humble address be presented to his Majesty, to return his Majesty the thanks of this House, for his Majesty's most gracious message, by which his Majesty has been pleased to inform this House of the exceedings of the expences of his Majesty's household and civil government, beyond the revenue settled on his Majesty for defraying the same; and to assure his Majesty, of the grateful sense this House entertains of his Majesty's well-founded reliance on the loyal and affectionate attachment of this House to his Majesty's person and government; and that fully convinced of the tender and disinterested attachment which his Majesty has shewn through the whole course of his reign, to the care and welfare of his faithful people, this House will most readily concur in enabling his Majesty to discharge the debts which occasion his Majesty's present difficulties, and in making some further provision for the better support of his Majesty's household, and the honour and dignity of the crown."

The motion was seconded by Lord *Onslow*. He knew his Lord *Onslow* inability, he said, to add any strength to the arguments now so forcibly urged by the noble mover. There were, however, some circumstances slightly mentioned, or passed over, which he would take leave to remind their Lordships of, and which would further evince the propriety of the address, and of complying with his Majesty's request. It was evident, if his Majesty had retained his hereditary revenues, he would have no occasion to apply to Parliament; on the contrary, he would now be in possession of a very considerable surplus. He dwelt a considerable time on the advanced price both of the luxuries and necessaries of life, and observed, that while the payment of the debt already incurred admitted of no argument, making a suitable provision for the numerous royal family now growing up, became equally apparent. His Lordship launched into the most lavish encomiums on the personal and political virtues of the Sovereign, His Majesty, he said, had, since his accession, been the uniform asserter of the rights of his people and Parliament; and that that consideration alone, was sufficient to interest Parliament in relieving his Majesty from his present difficulties. Had

his Majesty been fond of power, or of establishing his own greatness on the ruins of the constitution, he had sufficient temptation held out to him, by the conduct of the Americans, who endeavoured, by every means in their power, to detach him from the other two branches of the legislature. What has been his conduct? He has not only rejected those offers, but he has declared his disapprobation of them by the most decisive marks of resentment and contempt. However flattering such offers might appear to an ambitious mind, eager to grasp at arbitrary sway, they failed to make the least impression on a breast full of equity, and those just sentiments of policy, which wisdom, founded in virtue, is always known to inspire. His Majesty has ever shewed a disposition to be more jealous and tenacious of the rights and privileges of Parliament, than of his own; he has proved it in many instances; and I doubt not, but it has made a suitable impression upon your Lordships. This is the most valuable obligation a monarch can confer, and deserves every mark of gratitude which we can, consistently with the interest and ability of the nation, pay in return.

His Lordship next went into the particular consideration of the latter part of the address, relative to the augmentation. He said, that a similar application was made in 1769, which on the best grounds was agreed to; that on an inspection of the accounts, it then appeared, that the debt was incurred every year, though the greatest exertions had been made, by those who presided over the several branches, to reduce it, so as to keep the expenditure within the grant; but that after sixteen years experience, it was found totally impracticable. If a reform reduced the expences in some instances, they encreased in others; so that the total expenditure was pretty nearly equal. It would be urged probably, that it would be proper to discharge the civil list debt, but not to comply with the proposed augmentation. That, he insisted, would be doing things by halves; it would be worse, it would be doing next to nothing; it would put the Sovereign and his ministers to the very disagreeable necessity of future applications to Parliament; it would be, in short, making a nominal provision for the support of the crown, which experience had shewn to be totally inadequate. To avoid all those inconveniencies, he had no doubt but their Lordships would chearfully agree to the address in all its parts, particularly when they found it to be reasonable. He did not pretend to speak directly from authority; but

but as well as he could learn, he understood, that his Majesty wished to encrease his present civil list revenue one hundred thousand pounds. The average of the expenditure since his accession, supported the propriety of the request; it was about 870,000l. this was somewhat short of the sum desired, but the difference was so trifling, that it was not worth attending to, particularly when the expences of a growing and encreasing family were taken into the account. Such a revenue, from a comparison with that enjoyed by former kings, and every one of his Majesty's predecessors, since the Revolution, taking the value of money at different periods, would not, he trusted, be deemed unreasonable. The propriety of the request was supported by experience; it was founded in equity, because it gave nothing more than what his Majesty would have been in possession of, had not he relinquished the civil list duties, appropriated at the commencement of the reign of the late King; and finally, it would have the effect of making the Sovereign easy in his domestic concerns; and of precluding any pretence for applications of a similar nature in times to come.

The Marquis of *Rockingham* opened his speech with expressions of the warmest personal attachment to his Sovereign, and the purest zeal and best wishes for the prosperity and dignity of his government, which, in his opinion, he could not more fully manifest, than by pointing out his true interest, and consequently not concurring in the present measure, which in every point of view he had hitherto contemplated it in, he was most certain, was contrary thereto; it was treachery at once, against the King and the people, and a most shameless sacrifice of their respective interests. As he had opposed a measure of a similar nature in 1769, so he should the present, but on much stronger grounds. He never imagined, however, that paying the King's debts in 1769 would have been urged as an argument for paying them 1777, if he had not this day heard it so much relied upon in debate. The contrary was, according to his ideas, the fair deduction; if it was wrong to pay them then, it was more so now to repeat it: but though the necessity of paying the King's debts should supersede every collateral consideration, respecting the manner in which they were contracted, still the augmentation expected of the civil list revenue was a matter entirely new. The one became in some measure inevitable, from the rank of the debtor, and the nature of the debt; but why, because a debt was improperly

perly incurred in the first instance, a provision should be made not only for such an improper mode of expenditure in future, by applying a stated income for that purpose, but even granting a sum considerably larger than the excess, was more than he could possibly pretend to account for. In his opinion, the ministers who had fabricated this message, and who had rendered such a measure necessary, instead of being listened to, or gratified, merited the contempt and indignation of that House; and the more so, when the present critical situation of affairs was considered, a situation which they, and they only, had been instrumental in causing, or had rather been the authors of. He repeated again, that if the effect of the vote moved this day, was meant as a gift, it was a most treacherous one, and a very unsuitable return of gratitude for those very transcendent virtues, which he was as willing to confess his Sovereign possessed, as those who appeared most zealous in extolling them.

His Lordship next proceeded to shew, that the idea of an hereditary revenue, alluded to by one noble Lord, and directly mentioned by the other, was entirely ill-founded; and though it were true, every deduction drawn from it was fallacious. The matter was as follows:—The late King, on his accession, had a grant of 800,000*l.* a year; and had certain duties appropriated for the payment of it; and in case the duties fell short, the deficiency was to be made good by Parliament; but it was never understood, that Parliament was pledged to the Crown for more than 800,000*l.* nor that the Crown was entitled to the excess of the duties, had any excess arose. The consequence of this agreement proved the real understanding of the parties; for the King was twenty years upon the throne before he made any application to Parliament; and when he did come, it was to desire that Parliament would perform what they stood engaged for. It was found, that the duties appropriated for the support of the civil list did not amount to 800,000*l.* the King therefore desired, in the year 1747, the sum of 450,000*l.* the amount of the deficiency. In the first instance then it was plain, that the King only demanded what he had a right to demand; and the other part of the transaction shewed clearly, that the appropriated duties were never looked upon to belong to the Crown, during that reign, farther than as they stood engaged for the payment of the 800,000*l.* for by the increase of some of the duties, it being discovered that the whole, including the 450,000*l.* granted in 1747, upon an average, amounted from

1747 to the King's demise, to 808,000*l.* the surplus of 8000*l.* was retained, and the sum of 115,000*l.* paid over in part of the first aids, in the first year of his present Majesty's reign. He was not a very old member, but he recollected very well, and he presumed so did several other noble Lords present, that the above was a faithful representation of the fact, as stated by a noble person some years deceased, [supposed to mean the old Duke of Newcastle] who was immediately concerned in the transaction, from its commencement till the money was paid, as already related. The reasoning, therefore, that his Majesty relinquished any thing to which he had a right, or that the revenues appropriated to the payment of the civil list were hereditary, were equally ill-founded and absurd. His Majesty gave or lost nothing by taking a specific sum; he could, in justice, desire no more nor less: the only difference it made, was merely a matter of convenience. He was paid in specie, without discount, risque, trouble, or loss; whereas the payment of some of the duties was held back for six, seven, or eight years. Hence his Lordship drew this fair deduction; that the pretended claim set up by the King's ministers had no foundation whatever in truth. If then they had no right to come to Parliament on this ground, he trusted he should prove, before he sat down, that they had as little on any other; the very papers on their Lordships' table would bear sufficient testimony to this assertion. By them it appeared, that the several branches of the royal family, for the first eight years, cost the Crown about 235,000*l.* more than they had the eight last years of the late King; consequently, that administration came with a tolerable good countenance to Parliament in 1769, as far as that sum could be supposed to operate; but the eight last years of the present reign the other branches of the royal family had cost the Crown a few thousand pounds less; and that taking the whole of the late reign, it appeared that the royal family had cost the Crown, striking an annual average, upwards of 130,000*l.* whereas the average cost of the last eight years, under the same head of expenditure, was little more than 100,000*l.* *per annum.* Discovering this very important fact, it led him to endeavour to find out whence the deficiency arose. In the cofferer's account, in 1769, it appeared that the money issued through that channel for the last eight years of the late reign, and the first eight years of the present, were nearly equal; but by the account now on the table, that head was monstrously increased, indeed no less than 60,000*l.*

60,000l. it being at the former period about 72,000l. a year, whereas now it is swelled to 136,000l. Under the head of pensions, again, it was raised from 78,000l. to 84,000l. which was an increase of 6000l. though it was known that pensions were daily granting, and had been granted, on the Irish establishment, and the four and a half *per cent.* duties. The head of presents had been considerably increased; and so had that of annuities, board of works, and ambassadors. He supposed, before the House rose, that some explanations would be given to satisfy their Lordships of the propriety of the increase of those several heads of expenditure, because it was by their means, almost solely, that the present debt was incurred; for upon adding them together, he found that they amounted in the course of the last eight years to 591,000 l. a sum little short of that now demanded; and were every every year in a progressive state of increase. He was, for his own part, certain, that a reduction below what they stood in former reigns, instead of augmentation, of some of them, might be made; and if some part of the expence incurred under the head of the cofferer's account should appear necessary, there was a considerable part of the same account, and all the other heads of expenditure, as well as the head of secret service, that would be found an ample balance to such a supposed necessary increase. For these reasons he should be against the address, because the debt was wantonly or corruptly incurred, and the augmentation mentioned by the noble Lord who seconded the motion unnecessary and ill-timed, when it was known that the nation was in a state of increasing ruin; when, as he emphatically observed, the stern voice of prerogative was heard no more; but when that unbounded influence, a much more dangerous enemy to the liberties of this country, was daily extending itself, threatening at once the destruction of the constitution, and every benefit formerly derived from a limited government; when this baneful unconstitutional influence, as asserted by its very friends, was sufficient to call any man, or set of men, to the administration of public affairs whom the Crown pleased, and support them in that situation, without any regard, or rather totally independent of, and contrary to, the opinion or approbation of the people. The present requisition would have the certain effect of increasing that influence, already become too dangerously powerful; for which reason, as well as from the principle and detail of the grounds on which the present address was moved and seconded, he should give it a negative, by moving
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an amendment, expreffive of his sentiments, and to which he referred their Lordships more particularly for the true grounds of his motives. His Lordship delivered the amendment in at the table, which was read, and was afterwards entered on the journals by way of protest. [See it as a protest at the end of the debate.]

Lord *Cardiff* spoke warmly in fupport of the motion, and endeavoured to answer feveral arguments urged by the noble Marquis. He protested, that if he imagined the infinuations thrown out by the noble Lord who fpoke laft were well founded, or that there were any juft ground for the direct charge contained in the amendment, he would be one of the firft perfons in that Houfe who would fupport the amendment, and give his vote for putting a negative on the address; but he was too well fatisfied of the integrity of his Majesty's fervants, to fuppofe that they would employ the public revenues of the kingdom in corrupting either Houfes of Parliament; much lefs that Parliament, though minifters were willing, would bafely ftoop to be corrupted with the fpoils extracted from the toil, labour, and induftry of their fellow-subjects. The amendment, he obferved, ftated that the demand now made came unaccompanied with fuch papers as were neceffary for the fatisfaction of the Houfe. Though he fpoke with great deference to thofe who had an opportunity of being better informed, particularly to that of the noble Marquis, whose official fituation led him to information he was totally unacquainted with; yet he could eafily conceive that there muft be fome items under the feveral heads of expenfiture referred to, which it would be highly improper to lay naked before the Houfe, and which, if minutely examined, might be found to have been extremely neceffary. Among others, he begged leave to point out that of fecret fervice, and the money given to ambaffadors, to reimburse them for important informations procured at the feveral courts where they refide. There might too be feveral others which he was unacquainted with, that were equally obvious. He faid, he would not pretend to directly contradict the noble Lord, not being at that time in Parliament, relative to an agreement made with his Majesty at the commencement of his reign; but he always underftood that it was an act of generofity and parental tendernes towards his fubjects which induced his Majesty to relinquish his claim to the whole of the appropriated duties, in lieu of 800,000*l.* a year; and he never heard it represented in any other light, either then or fince, till

Lord *Cardiff*.

this day. It was then urged as a strong motive for entering into that agreement, that those branches of the revenue, in the mode of collecting, &c. might be considerably improved if incorporated into the duties, &c. appropriated for the support of the national establishment. His Lordship drew a comparison of his Majesty's situation with that of private gentlemen, whose property was known to increase in proportion to the comparative dearth of the necessaries of life. It was a matter within the knowledge of every noble Lord present, that the rents of their lands bore the proportion alluded to; and, in his opinion, it would be a peculiar hardship that his Majesty should be doomed to suffer under an inconvenience which no other person in his dominions felt but himself. His Majesty had no resource but to his Parliament; the great hereditary revenues of the Crown had long since been alienated, or rendered of very little value; and if the allowance granted by Parliament were found, after so long experience, to be totally inadequate, it was incumbent on their Lordships to grant their Sovereign such a revenue as might be the means of rendering him personally easy, and support with suitable lustre the honour and dignity of the Crown. For these reasons his Lordship was against the amendment, and for the address moved by the noble Earl.

Earl of *Effingham*.

The Earl of *Effingham* confessed his ignorance of the true grounds of the question, so far as it depended on the accounts now on their Lordships' table; but as he presumed, from what had fallen from the noble Marquis, and which as yet had remained uncontradicted, that ministers would accompany their demand with the necessary explanations, he should for the present content himself with a few short observations on what had suggested itself to him since he came into the House. As the best means, however, of drawing forth those explanations, he would second the amendment, because, in his opinion, if they were not satisfactory, the House could not hesitate a minute in giving the address a direct negative. The noble Lord who spoke last had dwelt a considerable time on the article of secret service, and the allowance made to ambassadors on that account. If the address could not be supported on better ground, he was pretty certain it must fall; for, from any thing he could learn, the money expended in that service was just so much money thrown away; for we had, it is well known, neither the most important nor early intelligence. It was evident, that the lustre and dignity of the Crown, or the personal ease and hap-

happiness of the Sovereign, were not the true causes nor objects of the present requisition, for at no time had either been more grossly sacrificed. If the sum were really inadequate, why not apply earlier? Why defer it to so unseasonable a period? Uninformed as he was, he did not know, nor understand, what was meant by the article of presents; but if it was a customary head of expenditure, he was content, so that the account of presents received, as well as given away, was fairly stated, and in consequence of such a state the balance fairly struck. He had heard a great deal without doors, of a prevailing report of presents lately received, particularly one from the Nabob of Arcot, to a considerable amount. He did not venture to vouch for the authenticity of such a report, but if there was any truth in it, or if presents have been received from any other quarter, within the period to which the present accounts allude, it would be only acting candidly to have them revealed, and a credit taken for them accordingly. He trusted that his Majesty's servants, before they passed a vote on the subject, would clear up what appeared to him very extraordinary indeed; which was, that the deficiency stated, and the whole of his Majesty's expenditure, including the 800,000*l.* a year, exactly tallied. He should be obliged to some noble Lord in office, to rise and explain this paradox. If the account was to be depended on, his Majesty did not spend a single shilling but the specific sums stated in the paper. What then was become of his Majesty's extra revenues? Of the revenue drawn from Wales, Cornwall, Lancaster, Ireland, and the Leeward Islands? Was that likewise appropriated to secret service? Or was it lying in his Majesty's coffers? The latter he could hardly believe; and in what manner the affair really stood, was, in his opinion, very proper to be cleared up, and called for a particular explanation. Until he heard something to induce him to change his opinion, he should be for the amendment, and for giving a flat negative to the address.

The Earl of *Suffolk* rose, and launched forth into the highest encomiums on the transcendent virtues of the Sovereign; and what a peculiar felicity his subjects enjoyed under so wise, mild, and equitable a government. It was somewhat unusual, at least when it came from the person himself, to hear a total ignorance of the grounds of a motion publicly avowed, and still more extraordinary to have that followed by a strong opposition to its contents. This, he said, was the case of the noble Lord who spoke last; and who accom-

panied this declaration with insinuations, as if administration were accountable or blameable for his inattention and neglect ; though it was evident that his Lordship might have had the most ample and satisfactory information, if he perused the papers now lying on their Lordships' table. As to the comparative expenditure of the two periods of eight years of the late and present reign, so warmly and strongly urged by the noble Marquis, who moved the amendment, they were not, he insisted, put in a fair point of view, nor were any deductions drawn from premises, erroneous in themselves, to be depended upon. His Lordship denied that the duties appropriated during the late reign were held in trust for Parliament, after deducting the 800,000l. a year out of them when they amounted to so much. On the contrary, it was a fact notoriously known, that whenever Parliament broke into those duties, in order to regulate, or change them for others, they always applied to the Crown for its approbation, which could not be the case, if the Crown held those duties in trust for the public ; because, in that event, all Parliament would have to do, would be to make good the deficiency out of the first aids ; and he was pretty certain, that the 450,000l. granted to his late Majesty in 1747, was not to make good the deficiency of the appropriated duties, but was clearly over and above the 800,000l. a year granted to him on his accession. His Lordship then turned his attention to the amendment, and observed upon several passages of it with great asperity. He said, they were unsupported by truth. The charge of undue influence, he contended, was false and ill-founded ; of which a stronger proof need not be adduced, than the uniform support which was given to his Majesty's measures by one of the most respectable, independent, and disinterested description of men in this country, the great body of land-owners of this kingdom, who loaded their possessions with heavy burdens, and who, from their situation, were well known to be totally out of the way of being operated upon in the least degree by the influence of the Crown. This support was as unprecedented in this country as it was merited ; and originated as much in the propriety of the measures supported, as in the unpopularity caused by the detestable, dangerous, and unconstitutional conduct of what is commonly in this country called the Opposition. His Lordship endeavoured to shew, that several of the arguments made use of by the noble Marquis, respecting the outgoings of the present reign, were erroneous ; and contended, that at no

time had œconomy and frugality both, been more constantly and successfully practised in the disposition of the royal revenue. He said, that an increase of the expenditure, under the head of the cofferer's account, was obvious, from an increasing and numerous royal family; that secret service money was a service, that on particular occasions could not be stinted without risque; and that the pension list was increased not wantonly, or with a lavish hand, but on good grounds, to persons who had rendered eminent services to their country; to others worn out in the public service, and who had impaired their fortunes in it; and to several officers in the law department, who, from their long and meritorious services, were thought proper objects of royal bounty. It was urged, he observed, that reforms ought to have been made, in order to confine the expenditure within the royal income, and not to contract debts, and thereby virtually pledge Parliament for their payment; but this, he contended, was mere matter of argument; for the debt was regularly contracted every year, both previous and since the year 1769, in every administration, settled and unsettled, he presumed; as well in that of the noble Marquis, who now so highly condemned it, as in every other that preceded or followed it. On the whole, therefore, on every principle of gratitude to the Sovereign, who had, from a peculiar tenderness for the prosperity to his subjects, out of a principle of equity to that Sovereign, who had relinquished what he was justly entitled to retain and possess, he trusted that their Lordships would chearfully concur in both parts of the requisition, as being equally necessary, reasonable, and just.

The Duke of *Grafton*, after testifying his high respect for Duke of Grafton. the personal virtues of his Majesty, and how chearfully he was inclined to acquiesce in every measure which might promise to promote his happiness, and support the dignity and lustre of the crown, declared, he could no means, consistent with the duty he owed to his Sovereign and his country, agree with the address now moved; he would much rather, if it were agreeable to parliamentary order, put the previous question both on the address and amendment: he doubted, it was not; and when he had enquired into the matter, from those who were better acquainted with the established forms of the House, he would again rise and move it, in whatever manner the usages of Parliament permitted him. He observed, that the noble Earl who spoke last, had made use of a very

very emphatical expression, "every administration settled or unsettled." That very influence of the crown, which could settle and unsettle administrations at pleasure, was, he solemnly protested, the great cause of the deficiency now so justly complained of. It was that fluctuating state of politics, and change of men, that till very lately rendered even every thought of reformation totally impracticable; for he was thoroughly convinced, that 800,000*l.* a year, was a most ample revenue, and fully sufficient to answer every expence of the civil government, ordinary and extraordinary. He was ready to pledge himself to that House, that he would prove most clearly, upon incontrovertible facts, that that sum would support the crown with a dignity and lustre it had not experienced for many years. He expected to hear it urged in reply, Why, when you were minister, did not you set this reform on foot? You came to Parliament on a similar errand, while you presided at the head of the national finances; and how could you make such an application, when you were satisfied that the royal revenue was an ample one? He said, he put the question, on purpose to answer it, and preclude the objection. It was the unsettled, slippery situation he stood in; it was the improbability of succeeding in it, and the dictates of common prudence, not to encounter the odium such a measure would be productive of, which shewed him the folly of obstinately persisting in a fruitless attempt. He was well aware, what an invidious task it would be; how many persons it would offend; how many men it would irritate, who had both the power to obstruct the measure, and the means too of avenging themselves on its author. He had a noble Lord in his eye, [Lord Talbot] who once thought that such a scheme was practicable, and who had incurred a considerable deal of odium on that account, and, as it turned out, to very little purpose; for by some of the observations which fell from the noble Marquis, it appeared, that that part of the establishment with which the noble Lord was connected, was rapidly on the encrease, instead of being diminished. His Grace said, out of regard to the noble Marquis, he would not move the previous question on his amendment: but he conjured their Lordships, as the best proof of their loyalty and affection for his Majesty, that they would consent to have the original motion postponed, and agree to appoint a committee to enquire into the expensiture; but more particularly, to enquire what parts would
best

best admit of a reduction; and when that was finally settled, then proceed to a vote of concurrence, for whatever this reduced estimate might amount to; that, he offered to prove, would not exceed his Majesty's present revenue, and would not bear upon a single article which was thought by his warmest friends to administer to his Majesty's ease and personal satisfaction; or was necessary to sustain, with splendour and dignity, his elevated rank and situation; on the contrary, he was convinced the retrenchments he had in contemplation would every one of them tend to promote a rational, liberal œconomy, and good government. As to the matter which had been so strongly contested, relative to the disposition of the excess of the appropriated duties during the late reign, it was a point which had long since given birth to contrary opinions; and the manner that affair stood in the civil list act, passed at the commencement of that reign, was urged against Sir Robert Walpole, as one of the most objectionable parts of his political conduct. Be that as it may, the point was in some degree decided, by the withholding the small overplus revenue, and augmenting the civil list fund with it, early in the present reign. His Grace lamented very pathetically, the universal moral and political depravity of the age, which he attributed in a great degree to the operative powers of the influence of the crown, on all ranks, from the highest to the lowest; and predicted, that they would continue to extend in proportion as that influence was strengthened and encreased. He observed, that the consequences of the address promised to be truly alarming, if in no other light, but the irresistible power it threw into the hands of ministers, who were generally good and virtuous, in proportion to the number of temptations, and the means they had of rendering themselves corrupt, despotic, and oppressive. His Grace again pledged himself to the House, that he would prove from documents, the most clear, authentic, and incontestible, if they should consent to go into a committee on the subject, that 800,000*l. per annum* would answer every end of private ease, personal dignity, and royal splendour; in short, every appendage to royalty, but what his Majesty's ministers mistakenly thought a necessary one, that of giving them, through the means of corrupt influence, an unbounded power and controul over the will and resolutions of Parliament.

Earl

Earl Talbot. Earl *Talbot* looking upon himself as called upon by the noble Marquis, but more particularly by the noble Duke who spoke last, rose and spoke for upwards of three quarters of an hour. In reply to the noble Marquis, relative to the equitable pretensions the crown had to come to Parliament, because his present Majesty had relinquished the appropriated duties, and had taken a net 800,000*l.* a year in lieu thereof, he believed that was not perfectly explained by his Lordship. He had himself conversed with the late Mr. Pelham, when minister, on the subject. Mr. Pelham was an honest, able man, though not so great a minister as Sir Robert Walpole. He seldom conversed with ministers, before his acceptance of the post he now occupies in his Majesty's household; he always opposed their measures: since he has voted with administration, he conversed as little with them. Sir Robert Walpole was an able minister; he saw the necessity of rendering the crown independent; and he believed that there were many parts of Sir Robert's conduct much more objectionable, than his securing for the crown the 800,000*l.* independent of Parliament, and the surplus of the appropriated duties, if any surplus should arise. To return; he remembered very well his speaking to Mr. Pelham on the subject; but yet he never understood, whatever doubts that gentleman might have entertained, as to the appropriation of the surplus, if any surplus should arise, that the 450,000*l.* granted in 1747, was not over and above the 800,000*l.* consequently, he was pretty certain, that the noble Marquis was at least mistaken in that part of his argument, when he said that sum was included and granted to make up the deficiency. His Lordship further remembered, that one of the duties appropriated arose from an excise, which was deemed extremely hurtful and pernicious to both the health and morals of the people, [supposed to mean British spirits;] and when the legislature thought fit to lay an additional duty to what was then imagined to be pretty nearly equal to a prohibition, and when this high duty was found to raise the fund instead of prohibiting the sale of the commodity, which was the intention of the legislature, the excess arising therefrom was looked upon as an augmentation, and not by any means as asserted by the noble Marquis, to be held in trust for the public. As to the great increase of expenditure, stated by the same noble Lord, to have arisen in the cofferer's office, in which the expences arising in his department were included, most certainly his own part of the disbursements had

had increased within the last eight years the sum of 26,000*l*. There were a variety of concurrent circumstances which caused this increase; not any one of them, he would venture to assert, that could fairly be imputed to an inattention or neglect of duty. He appealed to their Lordships' recollection if, when he first entered on his office, he did not exert himself as much as possible to contract within reasonable bounds the expences of that part of the household, as well as retrench and strike off what appeared to him totally unnecessary. His plan would have succeeded, at least in part, but for the reasons he should mention before he sat down. The first step he took, was to put several of the household upon board-wages, where there were tables kept, and strike off the tables where there was no actual attendance. This, for a while, gave content to several; indeed they petitioned for such a regulation: but, on the other hand, it became a source of endless clamour with others; and it was well observed by the noble Duke in the blue ribbon, that the task of reformation is a very invidious task, when undertaken by an individual: indeed I have often known it to miscarry when seemingly countenanced by Parliament. These regulations were found to press upon some persons whose voices were loud enough to make themselves heard; it was a popular topic, and many who were totally ignorant of the true cause, joined in the clamour. I can better explain my meaning by adverting to a single circumstance, which will shew how difficult it is to reform the menial servants of his Majesty's household, when the profits are enjoyed by persons of a certain rank, and services performed by another. The fact I allude to, is, that one of the turnspits in his Majesty's kitchen was, and I believe still is, a member of the other House. The poor man who performed the duty had 5*l*. a year for his trouble. Many similar instances might be mentioned. I have selected this one. But to return to the more immediate object, the increase of expenditure in my office. This has arisen from a variety of circumstances, such as the prodigious advance on all the necessaries and luxuries of life, the increase of the royal family, of attendants, nurses, tables, &c. Even the very reform I made in the early part of his Majesty's reign, has added, instead of diminishing the expence. By that establishment, several persons who had board-wages allowed them, but who gave little or no personal attendance, are now obliged to perform their duty. They claim the benefit of the establishment then made, and are obliged at the same time to have tables allowed them, be-

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cause it is indispensably necessary that they should always be ready to attend. There are now no less than three and twenty tables kept, eleven of which are for the nurses, there being so many of that description. It is necessary that each should have a separate table, for who would trust two women at the same table, and expect they would long agree?

He recollected a circumstance, he said, which would, he believed, fully establish the idea urged by the noble mover of the address, and the other noble Lords who spoke in support of it; which was, the offer made by the late Sir John Barnard of farming the duties appropriated for the payment of the civil list, at 900,000*l. per annum*. It was never imagined that the public, had the offer been accepted of, were to reap the benefit of the 100,000*l. surplus*; on the contrary, it was then urged as an argument, that the Crown had a revenue fully sufficient to maintain its lustre and dignity, if it had been properly managed.

His Lordship then drew a most melancholy picture of the domestic situation of the Sovereign, and how far his feelings, as a man and a master, were daily wounded; nay, he asserted, that they had totally broke his peace of mind, and pursued him to his most secret retirements. He appealed to their Lordships, if there was one of them could rest quietly on his pillow, while he was conscious at the instant that his servants and tradesmen were rendered miserable on his account; threatened perhaps with the want of the necessaries of life, or with bankruptcy and ruin. The very coal-merchant who served the household, had, he said, 6000*l. due to him*; so it was in proportion with all the other tradesmen. Again, the poor menial servants, who had no other means whatever of support, and who had six quarters wages due to them, how pitiable and distressing must their situation be! Their complaints, he affirmed, were sufficient to penetrate a heart the most obdurate and unfeeling; and he solemnly protested, that his own situation was very nearly as much to be pitied, being necessarily obliged to hear those stories of distress and wretchedness, without having it in his power to alleviate or remove them. He even sacrificed the privileges of his place; those vacancies which he had a right to dispose of, he bestowed upon several of them, in order to soften and blunt their miseries. He did not claim this privilege of appointing as a right inherent in his office, but a permission his Royal Master indulged him with, in common with his predecessors who had occupied the same high post. And to add to the situation

tuation of the Crown creditors, the dread of a demise suspended over their heads was enough to bring them to the very brink of despair.

He observed, that great stress had been laid on the 100,000*l.* augmentation, which he understood was what was proposed, as if that sum was to be drawn out of the pockets of his people, already too heavily burthened with taxes. This, he said, was a fallacious method of stating that matter; for he appealed to their Lordships, if it was not a received opinion, both within and without doors, that every estate in this country is taxed at the rate of ten shillings in the pound. The civil list is known to be subject to the heaviest taxes that are laid, and is equally burthened with the land. If, therefore, one half returns in taxes, the proposed increase would not be actually more than 50,000*l.* out of the public purse, instead of 100,000*l.* which it was represented to be.

His Lordship concluded with debating the point of influence, so strongly urged by the noble Marquis, and so pointedly stated in the amendment; on the contrary, he thought that whatever tended to make the Sovereign easy in his domestic situation, and independent of the minister, served as so much power to be used for the benefit of the people, not against them. The situation of his Majesty, says his Lordship, was much to be lamented a few days since. It was such as I have described it. Suppose a minister a fortnight ago should tell his Majesty that he could not come to Parliament; suppose he should threaten, or had threatened to resign, what could his Majesty do? What would not he promise or grant a minister, circumstanced as he must have been? It is true, we may suppose, that though the minister had resigned, your Lordships, when you received the message, would have complied; but give me leave to tell you, my Lords, it would have raised and increased difficulties: it might not defeat the measure; it would nevertheless create divisions here; it would create divisions in administration; it would tend to divide ministers more than they are already, and God knows they are divided enough. On the whole, my Lords, I would never have the King dependent on his ministers, which, while his affairs are distressed, must always be the case. He is not his own master. The ministers have it in their power to dictate their own terms. He must grant whatever favours they chuse to ask; he is left no will of his own; they tell him they will resign, and abandon the very

measures, perhaps, they have been the contrivers of, while the King labours under difficulties such as the present.

Marquis of
Rocking-
ham.

The Marquis of *Rockingham* rose in reply, and animadverted upon some violent expressions which had fallen from a noble Lord high in office [Lord Suffolk.] The words, he said, were, "That the conduct of what was called in this country Opposition, was detestable, dangerous, and unconstitutional." This, his Lordship observed, was a heavy charge for no other crime than barely differing from the noble Lord and his colleagues in office. But he presumed, that the charge was founded on the important discoveries of Mr. Brown Dignam, and those made concerning Mr. Sayre, the banker. It was, indeed, a sure means of rendering any man, or set of men, detestable, when spies and informers were employed and paid to forge plots and conspiracies against the state. Mr. Sayre was to have possessed himself of the tower, and the person of the King, if Mr. Richardson were to be believed; and several of the most respectable characters in both Houses, if Mr. Brown Dignam was to be credited, were concerned in a conspiracy against the life of his Majesty. This kind of policy seemed at first sight somewhat extraordinary, but it nevertheless answered certain purposes, upon a narrower inspection. It served to account, in part, for the disposition of the secret-service money, and at the same time to substantiate the charge, that the conduct of what was called Opposition, was detestable. To be sure, the money laid out in this manner was well spent, and the authority on which the charge was founded truly respectable! He supposed the noble Lord would explain what he meant; because, however authentic the information might have been, on which his charge was supported, it was confined to a few, and could not be supposed to reach the conduct of all those who were called Opposition in this country.

Earl of *Suf-*
folk.

The Earl of *Suffolk* denied that he made use of the word *detestable*, and did not think it fair nor parliamentary to have expressions imputed to him which he never used; [Here their Lordships looked at each other with astonishment.] but even if he had, he thought himself fully justified in making use of it: for he sincerely was of opinion, that the conduct of Opposition merited both the contempt and detestation of every man who wished well to the interests and prosperity of his country. I do in my conscience and soul believe, that the detestable conduct of those called Opposition in this country, has been as instrumental in rendering the present administration

tion popular, as the wisdom and rectitude of their measures. I do in my conscience and soul believe, that their detestable conduct has increased the majority in both Houses; and I am in my very soul and heart convinced, that they have rendered themselves so universally detestable, by the mode and and complexion of their opposition, that many members who were doubtful as to the justice and expediency of the measures pursuing by the King's servants, have attached themselves to administration, and voted with them, solely on that account. His Lordship denied, without reserve, that Dignam had given any information against the noble and honourable persons alluded to by the noble Marquis. He was ashamed to hear Dignam's name mentioned in such a respectable assembly; but since it was, he could affirm, that the manner it was represented was ill-founded. He was neither encouraged to tell lies nor truth; nor was he paid for what he did tell. His story was worthy of attention: it was plausible, and full of every appearance of truth. It would have been extremely improper to refuse to listen to it; and administration, he affirmed, conducted themselves with the utmost propriety. They listened, but did not believe; and took the necessary, the most efficacious means to discover the truth; and when they found him to be an impostor, they abandoned him to the laws. And he begged leave to repeat once more, before he sat down, that the conduct of those called the Opposition, was detestable; and though Dignam was an impostor, he had other proofs, and those of such a nature, as not to admit of a doubt, that Opposition deserved that public detestation which they were notoriously known to be held in.

The Earl of *Shelburne* said he should abstain, out of respect Earl of
Shelburne. to his Sovereign, and their Lordships, from animadverting on the indecent charges, and the coarseness of expression that accompanied them, which fell from the noble Lord who spoke last. They would have been unworthy of notice at any time; the present, for the reason before assigned, would be particularly unseasonable. He professed his astonishment at the language held by the friends of the address throughout the whole debate. The civil list revenues were described as so much hereditary property; they were represented as an entailed estate, and deductions drawn from that supposition, shewing, that the Crown had an absolute, distinct property in the duties appropriated for the maintenance of the civil government, independent of Parliament, than which nothing can be farther from the true state of that matter. The duties alluded to at no time belonged to the
Crown,

Crown, they were at the disposition of Parliament; King William had 4000l. per week taken from him, though the nation were under such singular obligations to him. The grants of the forfeited estates, which formed part of them, were resumed in the next reign, and applied to the exigencies of the state. In the reign of Queen Anne, 700l. per week was charged on the post-office, which was part of the civil list revenue; and several other parts of it were applied to particular uses, and to the exigencies of the war. It was, therefore, to the last degree absurd, preposterous, and fallacious, to suppose the agreement made by his present Majesty was any act of concession in him. He relinquished nothing; he gained nothing. He accepted the bounty of Parliament. The offer came from himself; and it may be presumed, that the noble Lord who then enjoyed his confidence, advised him to demand such an income as would be adequate to the maintenance and support of the Crown with dignity and splendor. But even if his Majesty had the option we hear this day so loudly contended for, the agreement was solemn and specific, and ought not to be receded from. It must have been in his Majesty's contemplation at that time to marry. He must have provided accordingly for the necessary expences attending such a state, and the probability of having a numerous issue, which the event has since proved, and whom God long preserve. It is therefore, taking the matter in either light, an idle and ill-founded argument. If he had no specific or rightful claim on the appropriated duties, he of course lost nothing; if he had, and made a fair, equitable agreement, he is manifestly bound by it. As to the accounts; he said they were fallacious and defective. They were defective, because they came unaccompanied by a single voucher: accounts unvouched, were in fact no accounts. Those lying on the table stated such and such sums, issued under the heads therein enumerated, but make no mention to whom, or on what account. The only fact that can be gathered from them, is, that certain sums were paid, but on what account the House is not informed, no more than if no such transaction had ever happened. In short, what was put in detail, might be as well put in gross; the whole deficiency, or the total of all that was paid, might be as well stated in one or two lines, just as the clerk thought proper, as those several items that appeared, for the account was an unvouched account, which, in the plain understanding of all men, was no account. But if the accounts were defective, there was an article stated in the

the produce of the civil list revenues, which contained the grossest fallacy and imposition on the very face of it. If one false article in any account could be proved, and it was manifest that the imposition got into it by design, it was a fair deduction to say, that the whole account was false. What then, from the manifest defectiveness of the accounts, for want of vouchers and specification, and the gross imposition of this one article he was about to mention, he was fairly justified in point of fact, as well as argument, to say, that the whole was one scene of imposition and delusion. He should not dwell on the atrociousness of the offence, the indignity put on Parliament, and the injustice to the nation, but leave that to the feelings and judgment of their Lordships. The point was this, the increase on the hereditary revenue was stated in the account to amount to upwards of 30,000*l.* a year, which, by the bye, was the greatest part of the excess of the appropriated duties, which, in the whole, according to the mutilated and fabricated accounts on the table, amounted to no more than 70,000*l. per annum.* Now, upon inspection, it came out, that this increase was not on what was improperly called the appropriated duties, according even to the language of administration, but upon the parliamentary duties. This excess, or surplus of 30,000*l.* arose from the increase of the post-office fund, which was created by the post-office act of the fifth of his present Majesty, to which the Crown had not the most distant pretence. From this incontrovertible fact, which he defied the most zealous supporter of the address to contradict, he drew this conclusion, that the accounts were no less defective and informal, than they were fallacious and impositious.

He observed, that the noble Lord with the white staff [Lord Talbot] had referred to a fact, which, if taken in his Lordship's own way, proved nothing; and proved at the same time, that it was mere argument, and that nothing serious was intended when the offer was made. The noble Lord with the white staff asserted, that Sir John Barnard offered to farm the civil list revenue at 900,000*l. per annum.* What would that prove, supposing he had offered double that sum? But, says the noble Lord, it was used in argument to shew the civil list revenue was improperly managed. Be it so; it was a good argument to shew, that Parliament had no right to make good the deficiencies when the duties, instead of falling short of the 800,000*l.* would have produced another hundred; but it was impossible Sir John Barnard, or the Parliament,

ment, could have meant, that if the duties had produced the 900,000*l.* the Crown would have been entitled to the surplus; because the very demand then made implied a right to a specific sum, and not to the duties. If the duties belonged exclusively to the Crown, the Crown must have been satisfied with the produce; if they did not, but were pledged to it for a specific sum, the Crown had a right to apply to Parliament to make good that sum. Finally, taking the offer as a matter of mere argument, it was plain that Sir John was out in his computation, for the whole of the duties have hitherto amounted to no more than 870,000*l. per annum.*

His Lordship concluded with a general account of the degeneracy of the people at large, the pernicious consequences of faction, of patronage, of borough-hunting, of contractors and their contracts, of peculations and corruption at home, of the increased influence of the Crown, and a variety of other circumstances of singular importance. He observed, that the influence of the Crown was not the only influence which tended to bring this nation to slavery, destruction, and ruin; nor was the all-powerful effects of corruption confined to Parliament; the whole mass of the people were corrupted, or corruptible. No man scarcely possessed a political right in the state, who did not wish to part with, or sell it for as much money as it would bring at market. The nation was composed of buyers and sellers. Every man wished to purchase, or dispose; and when he purchased, it was always with an intention to dispose. Which of their Lordships who lived in the neighbourhood of a borough, did not wish to bring that borough over to be at his own disposal; and which of them was it, that having it in his possession, did not wish to derive advantages suited to its value, or the peculiar temper and disposition of the possessor? Where was the borough that was not to be bought, or influenced? Or, if such a phoenix could be found, where was the borough or city that could long withstand the temptations or arts employed to rob it of its integrity, or influence or mislead its judgment? What cannot be effected by fraud, corruption, or force, is brought about by various other methods. Contracts and contractors, and the inexhaustible source of influence derived through these fruitful channels, have done wonders; and have succeeded in cases, where bribes, places, and pensions, from insuperable impediments, must have for ever failed. Contracts not only answer purposes in Parliament, but from their fertile and happy nature, flow through twice ten thousand channels.

The

The great contractors have their different contracts ; those again are divided and subdivided almost *ad infinitum* ; so that scarcely a man, who possesses any property throughout the kingdom, but finds it his interest to support measures, to wish to prolong a war, by which, though the public may be ruined, he is sure to be rendered opulent and independent. This influence, growing from contracts, has risen to a pitch hitherto unparalleled. It has got among the directors of great companies, and extended itself among their creatures and dependants. While government serves them as chosen friends, it enables them to be the chosen friends of government. To answer the purposes of patronage, it has been extended to some of the Nabobs of Leadenhall-street, who not content in the pillage of the East, and of plunging us into a war to enable them to pillage the West, have now contracts heaped upon them, lest they should be tempted to pay any attention to the interests of the company, contrary to the opinion of the noble Lord who has employed the power, riches, and patronage of the company, in supporting his favourite measures on the opposite side of the globe. Indeed, the present minister had surpassed all his predecessors in office, in drawing advantages from having it in his power to oblige his friends with contracts ; for his predecessors usually waited till applications were made, but his Lordship had improved upon this general rule of disposing of them : he was too mindful of his friends to neglect them when so fortunate an opportunity offered to oblige them. He accordingly sends, offers, encourages, and saves them the trouble of asking ; loth to offend their delicacy, he meets them more than half-way. The power of influence, though general, is not, however, universal. There are some who have the virtue, perhaps, to withstand it ; and even in the mercantile world there are many who plainly perceive its tendency, and dread its evil effects. He said, he was lately in conversation with one of the latter description, on the subject of the place of chamberlain, who told him, that the profits of that officer's place was mostly drawn from the interest accruing on the money, the property of the corporation, lying in his hands. Why is not the money put into the bank ? Such is the credit of the bank at present, replied the gentleman, that I firmly believe, if such a proposition were made to the city of London, they would not accede to it. His Lordship then repeated several instances of the shameful speculation of the public money in almost every department of the state ; and particularly an in-

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stance which lately happened respecting the extra revenue, which, with every other of the kind, substantially helped to create the very debt now desired to be paid off; that was the secretary to a commission, which was to hold out nothing but death or slavery to America; yet that very secretary had lately a pension granted on duties raised on part of that country, on the four and a half *per cent.* duties, unjustly raised on some of the sugar islands; a tax merely laid on by virtue of prerogative; a tax which he supposed would be hardly defended by a majority of that House who had so often declared, since the common consent of the present war with America, that the British Parliament alone had a right to lay or levy duties on the subjects of the British empire, and not the King by his bare proclamation; and a tax, he trusted, for the honour of the legislature, and the preservation of the rights of the people, he would one day see reprobated as utterly illegal and unconstitutional; as equally incompatible with the power of Parliament in one light, as with the clear distinct right of property of the people, other than by their own consent, in the other.

His Lordship concluded by making some strictures on what fell from the noble Lord who seconded the motion, relative to the average difference of the last sixteen years expenditure, and the civil list revenue when augmented to the sum proposed, which difference was represented as a trifle, though according to the noble Lord's own confession, it amounted to 30,000*l. per annum.* This, his Lordship said, was very strange language indeed; and that too by a noble Lord who was entrusted, with others, with the care of the national finances. He supposed the noble Lord looked upon the whole 100,000*l.* but as a trifle; yet he begged leave to assure his Lordship, though not so conversant in money matters, that 100,000*l.* when properly considered, was a very great sum: it would pay the interest of this year's loan; it would prevent the people, already most cruelly overburdened with taxes, from being heavier loaded; it would, if appropriated to the purpose of supplying other taxes, under which the poor were suffering, it would occasion joy and gladness to millions of miserable, though industrious poor; it would answer for the duties now raised on leather, soap, candles, and salt; it would let in the light by day, and be the cause of chearing the lonely, miserable, dusky mansions of the poor labouring part of the community by night; in fine, instead of corrupting the morals of all ranks, of influencing

Parliament, and of furnishing means to the idle, extravagant, and profligate, of wallowing in vice, riot, luxury, and dissipation, it might be happily employed in rendering the poor, oppressed and industrious part of the community more easy and comfortable in their destined situations, and be the means of relieving them from those intolerable burthens, which no people under Heaven but themselves this moment endure.

Lord *Dudley* concluded the debate.

The question being put on the Marquis of Rockingham's amendment, the contents were 20, non-contents 96.

As soon as their Lordships returned into the House, the Duke of *Grafton* repeated his former proposition, that he *Duke of Grafton.* would, if a committee were appointed, prove to the satisfaction of the House, that 800,000*l.* would be an ample revenue to support, not only the honour and dignity, but the lustre and splendor of the Crown. He intreated administration to consent to the proposition, as the only means of preventing the further increase of that influence, which threatened at length to overwhelm this once glorious empire in inevitable destruction.

The Earl of *Suffolk* opposed the intended effect of the motion. He said, sixteen years experience had afforded the fullest proof that 800,000*l.* was not adequate to the support of his Majesty's household, and the expences of his civil government; that the minister who was at the head of the finances, was known to be equally able and frugal, and no less honest than either; and that under so good a Prince, assisted by such a minister, Parliament had every right to be persuaded that the public money was wisely laid out, and faithfully applied to the purposes for which it was granted. *Earl of Suffolk.*

The question being put on the Duke of Grafton's previous question, the contents were 98, non-contents 28.

The main question on the address was then put, and agreed to by a majority of 90 to 20, and the House rose at half after eight o'clock.

THE PROTEST.

Dissentient,

For the reasons contained in the amendment proposed and rejected, viz. in lieu of the address, to substitute the following:

To assure his Majesty of the inviolable affection and loyalty of this House; and that it is with the sincerest affliction we find our duty to his Majesty, and to our country, entirely

tirely incompatible with our compliance with the request made to us in his Majesty's name.

That at a time when the increase of public debt, attended with the decrease of the British empire, manifestly required the utmost œconomy in the management of the revenues of the Crown, we cannot behold, without astonishment and indignation, a profusion in your Majesty's ministers, which the greatest prosperity of our affairs could scarce excuse.

That this House, with the most zealous devotion to your Majesty's true interests, beg leave to represent to your Majesty, that we humbly apprehend the clear revenue of 800,000 l. a year, which supported the government and court of your Majesty's grandfather, of happy memory, in great authority and magnificence, is fully sufficient (if managed by your Majesty's servants with the same integrity and œconomy) to maintain also the honour and dignity of your Majesty's Crown, in that reverence in which we wish, as much at least as those who have squandered away your revenues, to see it always supported.

Parliament has already in consideration (we suppose) of some expences at the beginning of your Majesty's reign, discharged the debts and incumbrances on the civil list to a very great amount. Again, to exceed the revenue granted by Parliament, without its authority, and to abuse its indulgence in paying one debt, by contracting in so short a time another, and a greater, is, on the first view, a criminal act. Your Majesty's ministers ought to have laid some matter before this House, tending to shew that your Majesty's government could not be reputably supported on the provision made by Parliament; whereas they have only laid before us the heads on which they have exceeded, without any thing that can tend either to justify or excuse the excess; and the only reason given to us for paying that debt is, that your Majesty's ministers have incurred it.

With regard to the further increase of your Majesty's civil list revenues, we must decline any concurrence therein, not solely from motives of œconomy (though at no time more strictly required) but from a dread also of the effect of such an augmentation on the honour and integrity of Parliament, by vesting such large sums without account in the hands of ministers, when an opinion is known to prevail, and which we have no means of contradicting, that your Majesty's civil list revenues are employed in creating an undue influence in Parliament, it would be extremely unbecoming of

us to vote, without manifest reason, great sums out of the property of your Majesty's subjects, which are supposed to be applied to our private emolument. It is our duty to attend to the reputation of Parliament; and we beg leave to represent to your Majesty, that a further increase of the present overgrown influence of the Crown would be a treacherous gift from Parliament even to the Crown itself, as it will enable the ministers to carry on those delusive systems which have been fatally adopted, and which, if pursued, must lead to the ruin, as they have already produced the distraction, of this once great empire.

ABINGDON, EFFINGHAM,

ABERGAVENNY, RICHMOND,

ARCHER, PORTLAND,

KING, ROCKINGHAM,

THANET, FITZWILLIAM,

TORRINGTON, DEVONSHIRE,

STAMFORD, MANCHESTER.

April 17.

No debate.

April 18.

Private business. Adjourned to the 21st.

April 21, 22, 23, 24, 25.

The same. Adjourned to the 28th.

April 28.

Cause respecting a will, being an appeal from the Court of Chancery, in which Winifred Lawson, widow, was appellant, and ----- Lawson, Esq. and others, respondents. As soon as the pleadings were finished, Lord Mansfield, in one of the most able law arguments ever delivered in that House, traced the law relative to the point in question, from the year 1687 to the last determination by Lord Hardwicke in 1742, in the several chancellorships of the last noble Lord, and of Lords Jefferies, Cooper, Macclesfield, Harcourt, King, and Talbot, shewed that executors, unless in cases where the contrary was inconsistent and incompatible with the apparent intention of the testator, or by implication, or strong presumption of fraud, were entitled to the residue of the personal estate, after paying debts and legacies. On these grounds, therefore, his Lordship moved, the first decree given in 1772, and another given in 1776, upon rehearings, to be both reversed; which was agreed to. The Lord Chancellor made no reply.

April 29.

April 29.

Private business.

April 30.

Bills passed.

May 1, 2.

No debate. Adjourned to the 5th.

May 5, 6.

Private business.

May 7.

Bills passed.

May 8, 9.

Private business. Adjourned to the 12th.

May 12, 13, 14, 15.

The same. Adjourned to the 27th.

May 27.

Nothing.

May 28.

It was moved to go into a committee on the silk bill, being the order of the day.

Earl *Paulet*.

Earl *Paulet* opposed the motion. His Lordship stated the increasing and flourishing state of the manufacture, and the comparative value of labour and provisions in France and England; and observed, that by some of the clauses in the act, the raw silk was enhanced on the manufacturer: that the act now to be continued, being near expiring, raw silk had fallen in its value; but that, as soon as this bill had passed the other House, it suddenly rose again; he contended, therefore, that every law which raised the raw materials on the manufacturer was impolitic; and moved, that the order be postponed till that day three months.

Ld. Visc.
Weymouth.

Lord Viscount *Weymouth* said, that the bill had been tried, and had for several years been highly approved of. That he was not sufficiently acquainted with the subject, to controvert the facts stated by the noble Earl; but should the bill, without any other provision having been made (which must be the case so late in the session) be lost, French silks would be poured in on us, to the utter ruin of the native manufacture. On this ground he recommended to the noble Earl to withdraw his motion; to go into the committee; and then to move a shorter time, for one year, for instance, till the whole subject could be fully discussed in the next session; for if that should not prove agreeable, his Lordship might let the bill pass unnoticed in the committee, and oppose it on the third reading.

Earl

Earl *Paulet* closed with the first proposition; and moved in Earl *Paulet*. the committee, that the duration of the bill might be one instead of six years; and the question being put, the motion passed in the negative.

Lord *Camden* gave notice, that on the 30th the Earl of *Ld. Camden*. Chatham would attend the House, and make a motion respecting the American war. His Lordship moved, That the Lords might be summoned for that day. Agreed to.

Adjourned to the 30th.

May 30.

The Earl of *Chatham*. My Lords, this is a flying moment; perhaps but six weeks left to arrest the dangers that Earl of *Chatham*. surround us. The gathering storm may break; it has already opened, and in part burst. It is difficult for government, after all that has passed, to shake hands with defiers of the King, defiers of the Parliament, defiers of the people. I am a defier of nobody; but if an end is not put to this war, there is an end to this country. I do not trust my judgment in my present state of health; this is the judgment of my better days; the result of forty years attention to America. They are rebels; but what are they rebels for? Surely not for defending their unquestionable rights! What have these rebels done heretofore? I remember when they raised four regiments on their own bottom, and took Louisburg from the Veteran troops of France. But their excesses have been great. I do not mean their panegyrick; but must observe in attenuation, the erroneous and infatuated counsels which have prevailed---the door to mercy and justice has been shut against them. But they may still be taken up upon the grounds of their former submission. [*Referring to their petition.*] I state to you the importance of America; it is a double market; the market of consumption, and the market of supply. This double market for millions, with naval stores, you are giving to your hereditary rival. America has carried you through four wars, and will now carry you to your death, if you don't take things in time. In the sportsman's phrase, when you have found yourselves at fault, you must try back. You have ransacked every corner of Lower Saxony; but 40,000 German boors never can conquer ten times the number of British freemen: they may ravage; they cannot conquer. But you would conquer, you say! Why, what would you conquer---the map of America? I am ready to meet any general officer on the subject. [*Looking at Lord Amherst.*] What will you do out of the protection

tion of your fleet? In the winter, if together, they are starved; and if dispersed, they are taken off in detail. I am experienced in spring hopes and vernal promises; I know what ministers throw out; but at last will come your equinoctial disappointment. They tell you; what? That your army will be as strong as last year, when it was not strong enough. You have got nothing in America but stations. You have been three years teaching them the art of war. They are apt scholars, and I will venture to tell your Lordships, that the American gentry will make officers enough, fit to command the troops of all the European powers. What you have sent there, are too many to make peace, too few to make war. If you conquer them, what then? You cannot make them respect you; you cannot make them wear your cloth. You will plant an invincible hatred in their breasts against you. Coming from the stock they do, they can never respect you. If ministers are founded in saying there is no sort of treaty with France, there is still a moment left; the point of honour is still safe. France must be as self-destroying as England, to make a treaty while you are giving her America at the expence of twelve millions a year. The intercourse has produced every thing to France; and England, old England, must pay for all. I have at different times made different propositions, adapted to the circumstances in which they were offered. The plan contained in the former bill, is now impracticable; the present motion will tell you where you are, and what you have now to depend upon. It may produce a respectable division in America, and unanimity at home. It will give America an option; she has yet had no option. You have said, lay down your arms, and she has given you the Spartan answer, "Come, take."

[Here he read his motion.]

"THAT an humble address be presented to his Majesty, most dutifully representing to his royal wisdom, that this House is deeply penetrated with the view of impending ruin to the kingdom, from the continuation of an unnatural war against the British colonies in America; and most humbly to advise his Majesty, to take the most speedy and effectual measures for putting a stop to such fatal hostilities, upon the only just and solid foundation, namely, the removal of accumulated grievances; and to assure his Majesty, that this House will enter upon this great and necessary work with cheerfulness and dispatch, in order to open to his Majesty the only means of regaining the affections of the British colonies,

nies, and of securing to Great-Britain the commercial advantages of these valuable possessions ; fully persuaded that to heal and to redress will be more congenial to the goodness and magnanimity of his Majesty, and more prevalent over the hearts of generous and free-born subjects, than the rigours of chastisement and the horrors of civil war, which hitherto have served only to sharpen resentments and consolidate union, and, if continued, must end in finally dissolving all ties between Great-Britain and the colonies."

Lord Chatham afterwards rose to explain what indeed he had before explained to Lord Lyttelton. The proposal is specific. I thought this so clear, that I did not enlarge upon it. I mean the redress of all their grievances, and the right of disposing of their own money. This is to be done instantaneously. I will get out of my bed to move it on Monday. This will be the herald of peace ; this will open the way for treaty ; this will shew Parliament sincerely disposed. Yet still much must be left to treaty. Should you conquer this people, you conquer under the cannon of France ; under a masked battery then ready to open. The moment a treaty appears, you must declare war, though you had only five ships of the line in England ; but France will defer a treaty as long as possible. You are now at the mercy of every little German chancery ; and the pretensions of France will encrease daily, so as to become an avowed party in either peace or war. We have tried for unconditional submission ; try what can be gained by unconditional redress. Less dignity will be lost in the repeal, than in submitting to the demands of German chanceries. We are the aggressors. We have invaded them. We have invaded them as much as the Spanish Armada invaded England. Mercy cannot do harm ; it will seat the King where he ought to be, throned on the hearts of his people ; and millions at home and abroad, now employed in obloquy or revolt, would pray for him.

In making his motion for addressing the King, he insisted frequently and strongly on the absolute necessity of immediately making peace with America. Now, he said, was the crisis, before France was a party to the treaty. This was the only moment left, before the fate of this country was decided. The French court, he observed, was too wise to lose the opportunity of effectually separating America from the dominions of this kingdom. That whenever France or Spain entered into a treaty of any sort with America, Great-Britain must immediately declare war against them.

That he would be among the first to advise it, even if we had but five ships of the line in our ports : and that such a treaty must and would shortly take place, were pacification delayed. War between France and Great-Britain, he said, was not less probable because it had not yet been declared : it would be folly in France to declare it now, while America gave full employment to our arms, and was pouring into her lap her wealth and produce ; the benefit of which she was enjoying in peace. He repeated, that America was contending with Great-Britain under a masked battery of France, which would open upon this country as soon as she was fully prepared for war. He enlarged much on the importance of America to this country, which in peace and in war, he observed, he ever considered, as the great source of all our wealth and power. And then added [Raising his voice.] “ Your trade languishes, your taxes increase, your revenues diminish, France, at this moment, is securing and drawing to herself that commerce, which created your seamen, fed your islands, &c.” He reprobated the measures which produced, and which have been pursued in the conduct of the civil war in the severest language, infatuated measures giving rise, and still continuing a cruel, unnatural, self-destroying war. Success, it is said, is hoped for in this campaign. Why ? Because our army will be as strong this year as it was last, when it was not strong enough. The notion of conquering America was treated with the greatest contempt. What is it you propose to conquer ? The map of America ? As to the conquest of the country itself, the gaining of ten pitched battles would do nothing towards it. It is the descendants of Britons, inheriting their wisdom, fortitude and perseverance---it is their country you have invaded. Were it practicable by a long continued course of success to conquer it, the holding of it in subjection afterwards, would be utterly impossible. No benefit to be derived from that country to this, but by the good-will and pure affection of the inhabitants. This is not to be gained by force of arms. Their affection is only to be regained by reconciliation and justice.

Earl Gower.

Earl Gower [President of the council.] said, he thought it his duty to rise and oppose the motion made by the noble Earl, for several strong and important reasons. In the first place it arraigned the conduct of the nation, and condemned, in the most improper terms, the measures which had been sanctioned by the Parliament and people ; and yet it was

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worded in so vague and indistinct a manner, that it was impossible to know what set of measures it described, under the general charge of grievances; whether it meant as well those in which his Lordship acted so conspicuous and distinguished a part, as these which followed or preceded them. [Lord Chatham. I mean to convey, under the words accumulated grievances, every thing which has passed in Parliament relative to America since the year 1763.] He remembered well the distinction made at the time by the noble Earl and several of his friends between internal and external taxation. He remembered, that the noble Earl himself cherished the distinction, and argued upon it. He did not, however, mean to press the argument further, by way of personal application, as the noble Earl had reprobated the whole system of measures pursued in regard of America, since the conclusion of the peace, in which his own conduct must of necessity be included. He observed, that the motion held out nothing new, and was nothing more than a repetition of what had come from the noble Lord on former occasions, and to which his Lordship alluded. Similar propositions had been made by two noble Dukes, in their places, afterwards; and unless the House had since changed its sentiments, for which he could see no reason, it must continue to reject the present proposition, as well as all the preceding. For his part, he could not discover even a colourable pretext for their Lordships altering their opinion; the same specific point still continued in issue. It was not, as has been represented by the noble Earl, a paltry tax upon tea, a particular insult, a single act of violence or sedition, that was the true ground of the present dispute. It was not this tax, nor that act, nor a redress of a particular grievance; the great question in issue is, the supremacy of this country, and the subordinate dependence of America. It is not a single act of legislation the people of that country dispute with this; it is our claiming to bind them in any case whatever. But it has been much relied on, in debating this subject, that the "Americans are willing to submit to your laws of navigation. Let them tax themselves: you will thereby secure to this country great commercial advantages, and draw from them an actual revenue to a considerable amount, without the trouble of collecting it." But, my Lords, the direct contrary is manifest. They deny your right to make laws for them, and of course deny the right of commercial controul; it being in vain to talk of rights

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which cannot be maintained but at the option of those who are to submit to their operation. That they have aimed at independence from the very commencement, is manifest from a hundred proofs. I shall mention but one, which is, that among all the petitions, declarations, or remonstrances they have presented or set forth, they have uniformly guarded their expressions; and have carefully avoided to bind themselves by any promise of submitting even to our commercial regulations for securing to this country the benefit of the act of navigation and trade laws. The greatest length they have ventured, is a promise to submit to the operation of such acts of our legislature as may be directed to matters of commercial regulation, till they have time to judge of their effects. This it is plain, reduces the concession just to nothing; because it totally excludes every substantial idea of right on one side, or submission on the other; of dependence and subordination to powers constitutionally created, and legally and justly exercised. His Lordship adverted, in a ludicrous manner, to the change of sentiments in the noble Earl and the other noble Lords on the other side of the House, respecting the prophecies of a French war, and positive predictions of measures to be taken by France against this country. He observed what little attention was due to opinions so lightly taken up, and so suddenly deserted, without reason, in the first instance; and in all instances, he presumed, only to answer the temporary purposes of debate. He repeated, that the object of America was independency from the beginning; that the event proved it beyond question; and that nothing would so effectually tend to render the designs of our rebellious colonists successful, as agreeing to any motion which should directly, or in its consequences, lead to concede the supreme controuling power of this country, unless it were first acknowledged in principle, as well as submitted to in point of operation by America. The idea thrown out by the noble Earl, respecting the conduct of France, was, he said, the most extraordinary, or rather the most extravagant, he ever heard, taking it in any one of the various lights in which his Lordship had brought it forward. The noble Earl says, if we conquer America, we will conquer it for France. If France should join America against us, and get the better of us, America, tho' successful, will nevertheless be conquered, and become a province or dependency of France; and though we neither conquer or are conquered, still America will be lost to England,

land, and fall to our enemies and rivals. If I had no other objection to the present motion than the picture it would exhibit to foreign nations, of our pretended national imbecility, and the desperate situation of our affairs, that alone would be sufficient with me to give it a most hearty negative, as inviting our foreign foes to avail themselves of our weakness, distress, and divided councils, when they are told of views of impending ruin, arising from the unsuccessful, fatal hostilities of an unnatural civil war. When their Lordships turn an impartial, retrospective eye to the conduct of rebellious subjects in America, the repeated provocations they gave, by disclaiming the legislative power of this country, and endeavouring to alienate the mind of his Majesty from his Parliament, and render the regal power independent of the other two estates of the realm, he trusted they would have much more powerful motives for rejecting the present motion, than such as might be founded in deductions drawn from the views, feelings, or political conduct of any foreign court whatever. His Lordship denied that Lord Howe's commission had turned out ineffectual. In consequence of his proclamation, he contended, that great numbers had flocked to the British standard; numbers were daily coming in; and without doubt, there were a great many loyal persons in all the different parts of America, who only waited for an opportunity of claiming the protection of the British arms. In fact, the majority of the very rebels wished to shake off the yoke they so severely felt; they were heartily tired of their new masters, and having tasted the difference between British liberty and American tyranny, they would gladly return to their allegiance, in order to participate of those blessings enjoyed by the rest of the subjects of the British government. With regard to the present prospect of affairs, he assured their Lordships, it was a very flattering one. The campaign already commenced, would probably end the dispute. Administration had spared no pains to enable the commissioners to shew their power to compel, if they failed in their endeavours, to persuade, the colonies to return to their duty; and finished his speech by pointing out the impropriety of the motion on several grounds, and the improbability of its producing any one of the good effects, which the noble Lord who moved it, seemed so confident in predicting.

The Duke of *Grafton* rose in reply, and spoke with great energy and precision. He congratulated the House, and the nation

nation at large, on the return of the noble Earl, who made the motion, to his duty in Parliament. A dawn of joy broke in upon his mind, in finding that the spirit which was formerly wont to pervade every part of the kingdom, and had long slept, now revived, and shewed it was not entirely extinct; he meant, that love of liberty, that admiration of the man, who had been its warmest advocate, and who had raised the power, dignity, and splendor of the nation to a pinnacle of fame and greatness unknown to any former or subsequent period in any quarter of the globe. He contemplated, with heart-felt pleasure, the revival of that spirit, which could collect so very respectable an appearance, below the bar, of gentlemen of all parties, which could crowd the avenues leading to the House, so as not to leave sufficient room for their Lordships to come to their seats, unless with the utmost difficulty. He was doubly happy in being satisfied, from what had appeared, that the people still retained a grateful sense of the high obligations the nation owed the great man; and he was assured, that nothing could save this nation from certain destruction, but the calling the noble Earl into a public situation, which might give his Lordship an opportunity of acting once more the part of the saviour of his country! He controverted every argument made use of by the noble Earl who spoke before him, relative to the ultimate object of American independency. He knew well whence those doctrines originated. Nothing was easier said. All the noble Lord had to do was to broach them. He knew the noble Lord's [supposed to mean Lord Mansfield] power and influence to be great; his abilities were acknowledged; yet, with all his power and abilities, he defied either him, or the noble Earl who spoke last, to adduce a single substantial proof, to shew that America ever aimed at independence. He would not pretend to say, what might be the particular sentiments of a few ambitious or rash individuals: but he put it on the fair ground of their public professions; upon their declarations contained in their petition to the King, which petition was presented by Governor Penn to Lord Dartmouth, who, by his Majesty's directions, laid it before that House; which, though full of the most warm and loyal sentiments of duty and respect, both for his Majesty and Parliament; though containing the sense of thirteen great and flourishing colonies, whose petition deserved some attention, was rejected with marks of indignity and contempt. He contended, that nothing but dire necessity compelled

elled the colonies to take up arms. They never dreamt of independence, till the wicked, oppressive, and cruel measures adopted by administration, drove them to resistance, as the last resource; and to seek assistance from foreign powers. On the contrary, they had tried every means it was almost possible for human nature to devise; and endeavoured to excite the attention and protection of every branch of the legislature, by the strongest motives to compassion. His Grace particularly relied on the petition from the congress to the King, (last mentioned) presented in 1775, as the fullest and most unequivocal proof of their duty, zeal, and affection for this country, and its government..

Lord *Gower* insisted, that the petition contained no specific acknowledgement, farther than what he had stated; a promise to submit to the operation of acts for restraining their commerce, pursuant to the general scheme of the act of navigation.

Here the Duke of *Grafton* moved to have the petition read, as entered on the Journals Nov. the 10th, 1775, when Mr. Penn was called to the bar to authenticate it. The petition, after some opposition, was read, and proved, in many passages, that Lord *Gower* had mistaken or misrepresented its contents.---His Grace then proceeded. He observed that if any thing were wanting to corroborate the contents of the above paper, it was the examination of Mr. Penn, the day it was entered on their Lordships Journals. That gentleman, by birth an Englishman, unconnected with party, governor of the wealthiest and most populous province on the whole American continent, resident in the very city where the Congress, the framers of this petition, then actually deliberated and determined; acquainted personally with almost every single member of that Congress; thoroughly well informed of the state and disposition of the people under his government, and tolerably acquainted respecting the state and disposition of every other government on the British American continent: This gentleman, without any temptation or bias on his mind, but what might be supposed to operate against America, not in its favour; this gentleman came to their Lordships bar, and corroborated, nay, according to the interpretation of the noble Earl who spoke last, went much farther, and contradicted, upon his oath, the most distant idea of any notions of independence whatever in the Congress. On the contrary, he affirmed from his own knowledge, that no such design was thought of or framed

med within his own government, nor, by what he could learn, by any other, either in Congress or elsewhere, with the general exception of a few factious, violent, rash, or ambitious individuals, the well-known appendages of all civil commotions. His Grace observed likewise, on a part of that gentleman's evidence, which, unhappily for this country, was equally discredited, and equally disbelieved, by those who ought to have taken care to be better informed; which was the general unanimity of the people all over America, and their great strength and resources. The day that petition was dismissed without hearing and redress; the day that gentleman's evidence was disregarded, was, he said, the fatal commencement of our present impending misfortunes. Independence only existed in the brains and speeches of a few individuals here, who had the influence and art to make themselves believed and obeyed. When therefore, the Congress and people of America found themselves neglected by their sovereign, despised, maligned, and trampled on by Parliament, and unconditional submission, or independence made the only alternative; in the midst of desperation, in the heat of resentment, from the necessity of their situation, from the most powerful of all motives, that of self preservation, they at once disclaimed our government, and resolved to resist our oppressions, or perish in the attempt.-----I laboured all I could at the time to soften the rigour of administration; I intreated, I supplicated, I followed even that refusal with another supplication, to know the force we had to contend with, at least, to know the force we were ourselves able to send, or had sent against the colonies. Failing in both supplications, and prevented by a very indifferent state of health, I was compelled to quit town, before that most cruel and impolitic measure, the prohibitory act, was passed. If any thing remained undone, that measure finished the business. I do assure your Lordships, that nothing but the pressing necessity of immediately coming to some sudden resolution, which may lead to conciliation, could have induced me to trouble your Lordships this day, particularly in my present state of health. My spirit is, I hope, active, and my inclinations warm, in the interests of my country; though they inhabit a very shattered, weakly constitution; but I do assure your Lordships, as long as I have a leg to stand upon, I shall continue to come down, day after day, to this House, whenever an occasion, such as the present, offers; and supplicate, and intreat your
Lordships,

Lordships, as I do now, that you will agree to some measures of conciliation, which may deprecate that approaching destruction, which seems to await us on every side. His Grace pronounced administration, timid, unskilful, and insincere. Their blunders, he said, were repeated; and their equivocal disingenuous conduct became every day more and more manifest; in fact, if he might be allowed to borrow a sportsman's phrase, they rather blinked the game, than pointed fairly to it. If called upon in Parliament, for information, which every member in either House had a right to expect, they either gave no reply, or evaded the question. Even this day, they only talked of a successful campaign, and that was all the hopes they gave the public, in return for the very heavy taxes they paid; and the enormous expence the American war had already cost the nation; and the much greater expence it was likely to cause, should the present motion meet with the same fate of all the preceding ones, to the same effect. Before I sit down, I cannot help observing to your Lordships how ripe the nation seems for destruction; if people may judge from what we hear in private companies, in current conversations, and in print. Publications of a very extraordinary and alarming nature, indeed, daily make their appearance; such, I will venture to affirm, as have not seen the light for forty years before. I do not chuse to descend to particulars. When doctrines subversive of the constitution, and condemning that celebrated æra which established it on its present footing, are promulged by persons, who from their situations are intrusted with the education of our noble youth, of children of family and fortune, it may produce very bad consequences; but when we go a step higher, and find a person, who from his offices and public stations is intrusted with the care and education of the immediate royal family; with the instruction of the very persons who, by their birth and relation to the throne, may be called to reign over us, controverting the justice of the Revolution, or reprobating the principles which gave birth to it, your Lordships will agree with me, that it is a most alarming circumstance; and will account why some persons were not thought fit for discharging a trust of so high and important a nature.

The Abp. of *York*. I confess, I did not at first conceive Abp. of *York*. that the noble Duke who now spoke, alluded to me, or to the late publication of the sermon preached by me before the society for propagating Christian knowledge; nor should I

still, had not I been assured of it by some of my brethren who sit by me. I am no orator, being but little accustomed to speak in public; but unable, ineloquent as I am, I trust I shall not be wanting in words to defend myself when wantonly, and I will add, unjustly attacked. The discourse alluded to, I acknowledge to be mine; and am ready to affirm and prove, that it contains nothing but the truth. I thought that no time could be more proper to defend the constitution, than when it was attacked by factious men and factious principles. I never said any thing against the Revolution. What I advanced was in defence of the constitution, which I am ready to support at any risque, and, as a proof, I appeal to my words. I maintained, in the publication the noble Duke has adverted to, that a resistance against law was unjustifiable. I am ready to abide by it still, and that a government founded in law, is entitled to demand and exact obedience. I might well expect this kind of treatment from faction. I might surely look for calumnies and detraction, for daring to oppose such as would employ a good principle, in effecting purposes very different from those they venture to avow. The noble Duke is a Whig, but I say he knows not what Whiggism is. I am ready to stand the test of any enquiry, either into my conduct or opinions; and to maintain them against every attempt which may be made to controvert or misrepresent them.

Duke of
Grafton.

The Duke of *Grafton* said, he did not know how directly to take notice of what fell from the Right Rev. Prelate, as it was disorderly to take notice of any thing personal in that House, relative to publications, or any expressions which passed at a former debate. However, as the most Rev. Prelate had owned the publication, and avowed himself to be the author, he looked upon himself at liberty to take notice of the publication itself, without any reference to the author as a member in his place. He said, perhaps, he might be ignorant of the true principles of Whiggism; but whether he was, or was not, he would accept the Rev. Prelate's offer, and prove, that the publication contained several propositions, which, if true, were directly repugnant to the spirit and system of government recognized at the Revolution. Even according to his own explanation, a government of law included every species and kind of government whatever both as to its frame and exercise.

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The Abp. of *York* replied with great warmth. He said, ^{Abp. of York.} he was ready to face all consequences, to have his opinions enquired into, and to defend them. He called on his Grace to make good his assertions : and assured him he was willing to meet him on the fair ground of argument, whenever the matter came to be considered in a debateable shape. He had advanced, he said, no new doctrine, and was much surprised, how the noble Duke, could have so glaringly misunderstood him ; for he was ready to submit the doctrines laid down in his sermon to the most public and rigid enquiry and examination. The principles therein maintained, were agreeable to the sentiments of all ancient and modern writers on civil government ; they were founded in the clearest principles of law and morality ; and so far from arraigning the Revolution, they contained nothing but what had been asserted by the most zealous friends of the constitution ; even by Algernoon Sidney himself. He was well satisfied, that his honesty and sincerity had created him many enemies ; he would not, however, be frightened from his duty by any threats ; nor would he sacrifice his opinion, nor submit to be dictated to by the proudest Peer in the land.

The Duke of *Grafton* disclaimed any personal allusion : ^{Duke of Grafton.} he considered the publication as utterly inconsistent with the doctrines on which our present establishment was built. He trusted very little to his own judgment in the matter ; but referred the Rev. Prelate to the writings of Hoadly (bishop of Winchester) Doctor Burnet, and some other eminent divines, who maintained doctrines of a very different complexion from those avowed by the Right Rev. Prelate.

The altercation between the Duke of Grafton and the Abp. of York growing warm, the Bishop of *Peterborough* arose, and spoke to this effect :

My Lords, I hope I shall be permitted to recall your ^{Bishop of Peterborough.} attention from this very painful subject to the order of the day. From the beginning of our unhappy contest with America to the present moment, reconciliation on the best and most effectual terms that it could be brought about, from time to time, has ever been the object which I have principally had in view ; and notwithstanding all the injurious reflections which have been cast on those who have the misfortune to differ from the majority of your Lordships, it has been to me a matter of serious concern, that seeing things in the light I have done, I have thought it my indispensable duty to dissent from some measures of administration,

tion, which whatever might have been the intention of them, have certainly had the effect I apprehended they would have; that of removing all accommodation to such a distance that the bulk of the nation seemed to have lost sight of it.

One ray of hope for a while broke forth in the appointment of the noble Lord and his brother, men not less respectable for their integrity and love of the constitution, than of approved conduct in the line of their profession, but so circumscribed were their powers by Parliament, that it is not to be wondered their declaration did not meet with all that confidence which their characters so justly deserve. I trust, however, it is not yet impossible to effect the good purposes of reconciliation, if your Lordships will but be pleased to give a favourable reception to the motion of the noble Earl, and thereby convince the colonies (hitherto they have had no means to be convinced of it) that Parliament is really disposed to attend to and redress their grievances. To induce your Lordships to this, I beg leave to submit to your consideration, that the resentment which for some time past has actuated our councils is not founded on the original subject of dispute, a new ground of contest was after a while held forth to the public, as if the claim of supremacy to the exercise of taxation was not of itself sufficient to justify a perseverance in this ruinous and fruitless war.

Many of your Lordships were (I am persuaded) induced to concur in the first steps of an apparent hostility, by the repeated assurances given to this House, that our troops were to conquer without fighting, and, that far the greatest and most respectable part of the inhabitants of our colonies were favourable to the measures of government: nor was it till after these assurances were found erroneous, that our present calamities were imputed to one general concerted plan of independence; and yet it is this assertion, supported at best but by presumptive evidence against positive fact, and the most express declaration to the contrary, that is with many, the principal, with some, the only argument for perseverance.

The true cause why America is now in arms and united as one man, is owing to that unhappy determination to reject the petition of the Congress; by that fatal measure those turbulent spirits who all along wished for a total separation from the mother country, had the means they wanted

wanted given them to persuade the multitude that they had no alternative left but slavery or independence.

The evil was probably increased by those officious, ill-timed addresses; which tho' they meant indeed very little, said a great deal too much; under the specious pretence of a zealous concern for the dignity of the crown and the unity of the British empire, they helped to degrade the one by dismembering the other. Their effect abroad was in the mean time to make it believed, that the people of this island entertained a spirit of implacable resentment, and were averse to reconciliation on any terms short of unconditional submission. It was this persuasion which alienated the few remaining friends of government, men of peaceable dispositions, who respected the constitution, and still loved the stock from whence they sprung; men of this description are now in arms hazarding all the evils of war, and liable, if conquered, to all the penalties of rebellion. Such, my Lords, I take to be the true causes of that fierce contest which is now carrying on for dominion and independence.

If we consider how it is carried on, the slightest view will shew us, such various articles of enormous expence, so many means of imposition on the public, and such uncertainty that what is paid for here again and again, may never reach the place of its destination, that was I to enumerate them, I should be at a loss where to begin, and having begun, be still more at a loss where to end.

There is not all that uncertainty in foretelling the probable consequences; and that I may not be charged with arguing on uncertain premises, I am willing to admit what I by no means believe to be true, that the assurances given by the neighbouring powers are to be depended upon. I cannot however help observing that was it becoming me to trespass so far upon your Lordships indulgence, here is an ample field to lament the unhappy state of this country, which but a few years ago (under the auspices of a noble Earl, whom I rejoice to see again in this House) was the conqueror of France in every quarter of the world, and is now reduced to a mean precarious dependence on the good will and forbearance of her natural rival, for the peace and security of the next hour.

I will confine my view to America, and there experience must surely have convinced us, that it is not a single battle, or campaign, that, as among the effeminate inhabitants of Asia, is to decide the fate of the western world: the vanquished

quished must fly, but they will rally again, and while the love of liberty remains, there will be some sparks of courage, ever ready to take fire on the slightest occasion. The cities must be burnt, and the country laid waste, many a brave man is yet to perish in the prison or the field, e'er the miserable remnant is brought to an absolute submission, and when that is done, what are the advantages we have to expect?

There is not surely any man so childishly sanguine, as to suppose we shall grow rich at once, by having cut up the gradual sources of our wealth: many years must pass e'er America is in a condition to remit a revenue to this country, and should she so far recover from her present calamities as to be able to do it, I cannot think that any minister past, present, or to come, will ever dare again to demand it. Not only for the reason assigned by the noble Lord, a general disinclination in the colonies, but from various other causes we may conclude that the substance of taxation is gone for ever; nor is it probable that America will henceforth ever long sit quiet under the shadow of it.-----The same means that are employed to subdue the colonies, are necessary to keep them in subjection, they will surely struggle after they are conquered, and recoil like a spring, whenever the force is removed that compressed it.

Such my Lords, must be the consequences, if the noble Earl's motion is rejected, and the sword alone is to decide the contest.

When loyalty to the King, when respect for the laws, and love of the constitution is gone, there is no security for obedience, but in a military force, and who is there in this house that has any loyalty to the King, any respect for the laws, or any love for the constitution, who would wish to see that mode of government prevail over so great a part of the British empire,

Lord Lyttelton.
son.

Lord *Lyttelton* directed his attention first to the motion and the noble Lord who made it. He acknowledged the eminent services which his Lordship had performed for his country; and said, whatever notice the motion itself was deserving of, the moderate and respectful terms in which it was conveyed, and the remarkable propriety and decorum, in which the arguments in support of it were urged, called for candour and moderation on his part. He seemed much surprized at the timid despondent tone affected by the noble Earl, in relation to the conduct and ultimate views of

of foreign powers, whose fire, spirit and zeal for the honour and dignity of his country, had carried terror and conquest among the surrounding nations. He asked his Lordship, whether he could reconcile it to his former conduct, to hold terrors out from the resistance we might meet in pursuing and asserting our undoubted rights, either from America or elsewhere. He remembered the time, when the noble Lord held a different language, when he inspired himself, then very young, and the nation at large, with the most exalted and heroic ideas; when he called upon the people to assert their honour, and do themselves justice, though every power in Europe should combine against them. His Lordship next turned to the state of America; the anarchy that at present prevails there; the acts of violence, treachery, cruelty, and injustice, that are daily committed in that country, by our rebellious subjects upon their loyal and dutiful brethren, merely because they would not join in their diabolical schemes of overthrowing all just and legal government. The laws trampled upon, the course of justice interrupted or annihilated, government dissolved, magistrates imprisoned or banished, the faithful and obedient part of the people oppressed, despoiled of their property, suffering in dungeons, or obliged to fly their native land. He observed, that to all the horrors of war, the rebels had added the brutality of savages and the treachery of cowards. These were the persons---and this was the cause, some of their Lordships thought fit to espouse and defend. His Lordship reminded his opponents of their predictions concerning the conduct of France, and their repeated assertions that America had never any thoughts of independence. Experience had verified the language of administration on both those points. The noble Lord who made the motion, laughed at the absurdity of such an idea, as any interference on the part of France; and the congress having long since declared the united Colonies independent states. The other noble Lords, on the same side, denied the least probability of any such event, and pledged themselves, if it should ever happen, that they would be the first and most zealous in endeavouring to compel them to a return of their duty. The event has actually taken place, and what is their conduct? Instead of recommending vigorous measures; instead of supporting spirited and decisive exertions of our whole strength, we are told that France does not mean to interfere; but lest she should, it is now proposed to open a treaty with declared and open rebels.

rebels. Our rights are to be abandoned or conceded, lest France should go to war when our strength and resources are weakened and exhausted. This is surely strange language, and equally pusillanimous, as unworthy the attention of this House. France, I am satisfied from my own knowledge, is neither able or willing to go to war; and though she were I trust we are prepared to meet any foreign enemy whatever. Let us turn our eyes to the state of our respective finances, and we may be enabled to judge, in some measure, of the respective abilities of both countries. Let us reflect on the ease and expedition with which five millions were borrowed in a nation said to be verging towards ruin. I will venture to say, that a similar offer would not produce the tenth part of the sum in France. Does this accord with the lamentable picture drawn by the noble Duke, and the terrors suspended over our heads by the Right Rev. Prelate? Merchants, and men in trade, however friendly to government, seldom trust their property to precarious prospects of repayment. In those transactions they pay a constant attention to two objects, advantages and security. They are of all men, the most cautious of disposing, or trusting their money out of their hands, and know best to lay it out where it promises profit, properly secured. This unbounded credit is seldom a forerunner of a bankrupt government, or empty exchequer. His Lordship next answered that part of the noble Duke's argument in respect of the petition from the Congress, and the evidence given by Mr. Penn. He insisted that the former was the effect of mere hypocrisy, and the latter to his own knowledge far from being supported by truth. But supposing the former was serious, what did it import? an appeal from the Parliament to his Majesty, and an endeavour to detach him from his Parliament by an abuse of his ministers. As a proof that the Congress never meant to submit to the supremacy of Parliament, at the very time they sent the petition alluded to, they made the most daring and inflammatory appeal to the whole Irish nation, and invited them to make a common cause with them, in resisting the legislative controuling power of the British Parliament over all the dominions of the British crown. His Lordship imputed the present state of public affairs to the backwardness and mistaken lenity of Ministers in the early stages of the contest. He reminded their Lordships of the part he took, and how frequently he pressed administration on the subject. He was confident, if vigorous measures had been
adopted

adopted earlier, that the rebellious Colonies would now be in a state of peace and obedience; and repeated, he said, what he had frequently said before, that lenity by its consequences caused often greater acts of cruelty, than those which were at the time desisted from on account of their harshness. His Lordship spoke of the severe usage Colonel Campbell had suffered in an American dungeon, which led him again to repeat his charge of cruelty and timidity. He allowed, that a trade was carried on by the rebels to some ports in France, but denied that it received any countenance or protection from that court. They were private transactions, he said, which it would be difficult to prevent; and which had no origin but the spirit of mercantile adventure, and motives of profit. His Lordship took great pains to shew that the measures of government were popular; and to point out the abilities of the minister, who had so judiciously planned taxes that would scarcely be felt, and yet would be so very productive. He spoke of the country gentlemen, as supporting the present war almost unanimously; passed great encomiums on their consequence and integrity, and affirmed, that while measures were thus strongly supported and approved of, both within and without doors, by such decisive and respectable majorities, we had every reason not only to expect an happy issue to the present rebellion, but that if we should be interrupted by any power whatever, that we were both able to defend ourselves, and make our enemies repent of their rashness. He observed, on what fell from the noble Earl who spoke second in the debate [Earl Gower.] relative to the loyal and dutiful disposition of great numbers of people in America, where they were free to declare their sentiments, and not under the tyranny and despotism arising from anarchy and military government: he was certain that it was so, and he had himself lately received a letter to that purpose from a person on the spot; and many others of a like tenor, giving an account of the great numbers who came in under the proclamation, in order to claim the protection of the British government, or to offer their services in assisting to extinguish rebellion.

The Duke of *Manchester* opened his speech, with observing on a passage in that of the noble Earl who spoke second [Earl Gower.] what passed in a message between General Howe and General Washington, to prove that independence alone was the grand object of the American rebellion; and that the treaty broke up merely because at the first preliminary

Duke of
Manchester.

Mr. Washington and the Congress refused to treat, unless the united colonies should be considered as independent states. His Grace insisted that this circumstance proved nothing; the Congress were well aware that the commissioners had no powers, but they were willing to try whether, though they were armed with no parliamentary powers, they might not be charged with private instructions. When the persons entrusted with the affair discovered the commissioners had neither powers nor instructions, and no terms, but those of unconditional submission to offer, they treated all propositions of that nature with indignation, and retained their ostensible sentiments and resolutions as a matter of necessity. He censured the conduct of administration, for holding out the idea of a commission; and afterwards holding it back, till America had taken the decided part she did, and observed with concern, that France had acquired very singular advantages in trade and navigation, since the commencement of the present civil war, and would continue to reap many more as long as it should last. He pursued the ideas of the Right Rev. Prelate who spoke on the same side, by proving, that in proportion as we grew weak or exhausted, from a waste of blood and treasure, France would recruit in every source, which might enable her to carry on a most vigorous war. He observed, that the noble Lord who spoke last, had treated the commercial communication, now carrying on between France and the British colonies, as a mere desultory underhand trade, prosecuted by a few inconsiderable enterprizing individuals. He denied that to be the fact: he had the best and most indubitable authority to assure their Lordships (and if called upon, was willing to prove it) that it was a regular, open, and extensive commerce, daily encreasing. He had a list in his possession of several of the ships, the nature and value of the cargoes, the naval and military stores, with several other circumstances of a similar and corroborative nature. It was no trade carried on by connivance, in the dark, or in a corner, but in open day. If that was the case, he appealed to their Lordships, if there was one of them who, satisfied of the facts, did not think such a commerce, such a barter of commodities, in which a supply of military stores was included, was not treating the colonies as an independent power, in the first instance; and was it not a breach of neutrality in the next, allowing the independency of America to be a fact
not

not disputable. His Grace attributed, as well as the noble Duke and Rev. Prelate, the declaration of independency to have arose chiefly from the contempt and neglect with which their petition to the King had been treated by Parliament; from repeated refusals of redress in any form, or through any channel; and to the inflammatory addressees presented to the throne, previous to the session of Parliament in 1775. His Grace pressed the propriety of the motion on several grounds; and predicted the happiest effects, should it be agreed to. It was not pretended that the present campaign would be decisive: indeed the contrary was already acknowledged. Taking the motion in that light, as neither prolonging the war, nor defeating the objects of the campaign, he begged leave to assure their Lordships, that an account of the success of this motion, reaching America, would more effectually tend to stop the further effusion of blood, and to an attainment of what we were entitled to demand, or ought to wish to obtain, than any advantages we could possibly derive from the most successful exertion of our arms. The noble Earl who made the motion, had, he said, on former occasions, of singular difficulty and importance, shewn his ability to save his country, by an equal proof of vigour, where the cause required action and wisdom, where it depended more upon deliberation and management; his years, his character, deserved respect; his motion was itself a proof of his wisdom, and, he hoped, their Lordships would adopt it, as it promised an happy relief in the hour of danger, a fortunate resource in the present distressed situation of affairs.

Lord *Camden*. It is with pleasure I rise to bear testimony *Ld. Camden,* how much I approve of the motion made this day by my noble friend, and to express my sense of the very singular obligations this country owes him, particularly on this occasion, when, setting every impediment at a distance, he offers his assistance in rescuing us from the ruin with which this country is surrounded. Before I speak to the immediate objects of the motion, I shall say a few words on the subject to which it relates. The noble Lords, on the other side, deny that Britain was the aggressor in this quarrel; and assert, that America always aimed at independency. I shall prove, I trust, before I sit down, that both assertions are equally false; I shall prove that we were the aggressors; and, consequently, that the charge of independency can be

only supported upon what they intended to have done at some future period, and not upon what has actually happened ; the aggressor in all contests being chargeable with the consequences. I shall not renew the controversy so often discussed within these walls relative to taxation. You passed a law for laying a tax upon tea ; but you could not collect it, because neither importer, nor vender, nor consumer, could be found. You passed another law, which ministers flattered themselves would force the tax into operation. You gave the East-India Company a draw-back on their teas exported to America. The teas were sent to America, particularly to Boston, where a large quantity was destroyed. What did we do ? Without demanding reparation, without enquiry, without hearing the party accused, nay, even without proof of the fact, you condemned the people of Boston : you shut up their port ; you annihilated private property ; you reduced thousands of innocent people to beggary. You did not stop here ; you resolved to punish the whole province as well as the town. You deprived them of their charter ; and, to fill the measure of the oppressions with which you were resolved to afflict them, you deprived them of the benefit of the trial by jury, either as a terror to the guilty, or a protection to the innocent. What were your preparations, in order to secure the execution of those oppressive and cruel measures ? The language of administration was, that a file of musqueteers would march from one end of America to the other without molestation ; that the acts were so wisely and judiciously planned that they would execute themselves : lest, however, they might not execute themselves, General Gage was sent out to command a force consisting of four regiments, which were fully adequate, it was said, to the purpose ; that was what was emphatically stiled, on the passing of the first of those bills, by a noble Earl I now see in his place [Earl Mansfield.] passing the Rubicon.---Neither the file of musqueteers, nor the four regiments however, answered what was promised from them. Twelve months having nearly passed, General Gage, from the weakness of his little army, was obliged to remain inactive, and beheld the provincials making daily preparations before his face, for a vigorous resistance. Early in the next year we declared those people to be in rebellion ; we prohibited them from trading with each other ; we deprived them of their fishery ; and a noble Lord in the other House pledged

pledged himself to that House, that with an army of 10,000 men, which would reach America early in the summer, the conquest of that country would be certain. The troops arrived, the 10,000 men proceeded to hostilities; and if they were not defeated in the field, we know that America was not conquered, but that the royal army suffered in battle and mouldered away in such a manner, that they were frightened and besieged in their quarters for full eight months, and escaped with difficulty aboard their ships and vessels of war. Well, the next session arrived; ministers owned they were deceived in the accounts they received of the disposition of the people of America; the most decisive measures were to be adopted. The same noble Lord, for the third time, grew confident; the full force of this country was to be exerted; 70,000 men and a hundred ships of war were to be employed; foreign mercenary veterans were to supply the place of raw levies; the sword was to be borne in one hand, and the olive-branch in the other. A commission was announced from the throne to hold out the alternative. What has been the effect of all this? From the same authority we are told, we must prepare for another campaign; the decisive measures, and full exertions, have produced nothing material. The repeated predictions, relative to conquest and subjugation, have failed. What part of America is your own? Just as much as you occupy, or as you can command with the mouths of your cannon. His Lordship next proceeded to shew in what an unbecoming manner administration had behaved in respect to the commission, and the powers granted by that act, called the Prohibitory Act, which he declared to be the epitome of every thing cruel and oppressive; and what, with the employing foreign mercenaries to cut their throats, ultimately determined the Americans to declare themselves independent. He declared, in his conscience, that those were the acts, and those only, which forced the colonies to take up arms in the first instance; and to justify their resistance, by throwing off the yoke of oppression and despotism. His Lordship next turned to the ruinous state of our trade. By those acts, particularly by the fishery and capture acts, you drove the people employed in commerce to desperation: their wants and resentments united in urging them to the resolution of making a naval war upon you. What has been the consequence? The seas are covered with their privateers;

vateers ; the French ports are full of them ; they come to the very mouth of your river and insult you. If your commerce languishes, if your trade decays, where will you find the means of carrying on a war ? While your ships are rotting in your harbours, while your merchants are unable to pay the insurance, the French become your carriers, and the former are left to lament their deplorable and distressful situation. This at once puts an end to the act of navigation, and defeats every benefit it was intended to secure. But extending our views a little further, what other fatal consequences do we behold produced by this unnatural war ? The ruin of the West-India islands ; the loss of their produce ; and the very considerable bankruptcies which it has occasioned. The proprietors of the estates and plantations in those islands, from a state of affluence, are driven to poverty and despair. I am well informed that no less than two hundred families who resided here upon ample incomes, drawn from thence, have been obliged to return thither, being no longer able to maintain themselves in this country. These are melancholy considerations, my Lords ; and should be very powerful motives with you for agreeing with the present motion. The two noble Lords who have spoken on the other side, have positively denied that France has taken, or means to take, a part in the present dispute. I do contend they do this minute take a part, and that they have continued to do so from the beginning. I would desire your Lordships to recollect what was mentioned by the noble Duke in the blue ribband, and myself, in the year 1775, relative to the two French gentlemen who went to Wallington, then lying before Boston, and who were by him sent to the Congress, where they remained several months. The story was then treated by the noble Lords in administration in a ludicrous manner ; yet this, I believe, was the beginning of what may hereafter produce very serious consequences. I sincerely believe the first overtures came from France ; and that those gentlemen were the bearers of the message. Every thing which has since happened confirms me in that opinion. It is plain, that the first notice the ministers received of it was in this House ; astonished at the information, I remember, they said it was nothing but a visit of mere idle curiosity. Let us compare the sequel. In the course of the ensuing summer, Mr. Deane comes to Paris, and the Christmas following was followed by Doctor Franklin,

lin. What has been their reception? They frequently appear at Versailles, affront Lord Stormont in the anti-chamber, and are admitted to conferences with the French King's ministers. He then assured their Lordships, that he had the strongest reasons to believe, that America was both supported and abetted in her resistance, and that ships of war were fitting out in several ports of France under American colours, to infest the channel, and annoy our trade. On the principle of Great Britain's being the aggressor, he grounded the propriety of her being the first to shew a disposition of making peace with the injured Americans: he contended, that nothing of that sort, had yet been done, and that the commission given to Lord and Sir William Howe for granting pardons to the Americans, so far from deserving to be considered, as containing power of pacification (as its title imported) must necessarily be ineffectual to such a purpose; it was indeed an insult on their understanding; for a herald with a trumpet would have done just as much as commissioners, going forth with such incompetent authority. It was so considered by the Congress, and that it would be so, was foreseen by many. Now, he contended, was the moment, perhaps the latest moment of making peace, and of recovering (in any good degree) what was lost. Were this business delayed but for a few weeks, America and France might be in alliance, our commerce with the former of these countries would then be irretrievably gone from us, and in the moment of our being apprized of that evil, another would arise with it, the necessity of a war with France, for the recovery (however hopeless might be the endeavour) of our lost possessions and commerce. But a French war may not come from that quarter only: so long as the contest with America is continued, it must be constantly dreaded by us.-----Here he enlarged on the warlike preparations of the antient and inveterate enemy of this country.----War may proceed from some sudden and unexpected causes, while each party have so many ships. The continuance of the war threatened nothing less than destruction to the British commerce, which in every sea was vexed, tormented, torn by the captures made upon it, by Americans, by French and Spaniards; and all, whom the hopes of booty could allure to prey on it, under congress commissions. What effect had already been perceived from the captures made, he shewed from the high freight and insurance on
all

all British shipping, and from the number of French vessels (26) now in the river Thames, which were receiving British merchandize for foreign markets, on account of the greater cheapness of such conveyance. He said, that in the beginning of this war, our trade had been considered as an object only of secondary consideration, and indeed as deserving no regard, when brought in competition with the high and incontrollable supremacy of British legislature? That on this account, the petition of the West India merchants was not suffered to be brought into question, till the deliberations, concerning that high political dignity, were closed: but was thrown into a corner, to be taken afterwards into the consideration of a committee, lest an earlier attention to it might have interfered with, and too much debased the resolutions of Parliament, on that great sublime mystery. His Lordship exposed the pride and folly of that proceeding; and said, he was sorry, in a British senate, he found it necessary to enter into an explanation of the nature, use, and importance of trade, to this country. He said that trade was its vital blood, diffusing itself, and running through all its parts, animating and filling all with life and vigour. In respect of American trade he recalled the attention of the House to what this country was before that trade was known in it, what it had grown to be while that trade flourished, and what we were likely to become, when it was gone from us. He treated the notion of conquest, and of success by force of arms, as utterly ridiculous, and the final and irreparable loss of America, as the inevitable consequence of a continuance of the war.

Lord Weymouth.

Lord *Weymouth* objected to the motion, as inadequate to the purpose it was declared calculated to effect, and ill timed, because it could not at present be of any service, even if it was adopted by their Lordships. He denied the last speaker's assertion relative to Mr. Deane and Dr. Franklin being frequently in the antichamber at Versailles, and affronting Lord Stormont; so far from this being the fact, the Viscount declared that Lord Stormont never met them there; and although he could not pretend to assert that they had never seen the minister of France, he was well aware that they had not received any public countenance from him, or any other part of the French cabinet. With regard to what had been said of the French having sent out stores, &c. to America, it was very true that the private merchants had taken advantage of the quarrel, as in all
such

such cases was customary, and they had shipped an inconsiderable quantity of stores, &c. in different bottoms, many of which our frigates and armed vessels had taken; but that the French government were not answerable for such conduct. His Lordship further observed, that the motion held out nothing specific. It was for an address to his Majesty; to do what? The noble Earl, he presumed, did not mean to enter into specific terms for relinquishing the rights of Parliament. An Act of Parliament had already appointed a commission; commissioners were now acting by the virtue of that commission. This address was not, he hoped, intended to cause his Majesty to supersede that commission, or supersede the provisions of an Act of Parliament, contrary to law. Such a thing was totally impracticable. What good purpose, therefore, the present motion could answer, or what purpose at all it could answer, was more than he could perceive, however well intended. In its present shape he could not consequently speak to it, till the objections, to the attainments of which it was ultimately directed, were first pointed out.

Earl of *Chatham*. I perceive the noble Lord neither apprehends my meaning, nor the explanation given by me to the noble Earl in the blue ribbon, who spoke early in the debate. I will therefore, with your Lordship's permission, state shortly what I meant. My Lords, my motion was stated generally, that I might leave the question at large to be amended by your Lordships. I did not dare to point out the specific means. I drew the motion up to the best of my poor abilities; but I intended it only as the herald of conciliation, as the harbinger of peace to our afflicted colonies. But, as the noble Lord seems to wish for something more specific on the subject, and through that medium to seek my particular sentiments, I will tell your Lordships very fairly what I wish for. I wish for a repeal of every oppressive act which your Lordships have passed since 1763. I would put our brethren in America precisely on the same footing they stood at that period. I would expect, that being left at liberty to tax themselves, and dispose of their own property, they would in return contribute to the common burthens, according to their means and abilities. I will move your Lordships a bill of repeal, as the only means left to arrest that approaching destruction which threatens to overwhelm us. My Lords, I shall no doubt hear it objected, Why should we submit or concede? Has

Earl of
Chatham

America done any thing, on her part, to induce us to agree to so large a ground of concession? I will tell you, my Lords, why I think you should. You have been the aggressors from the beginning. I shall not trouble your Lordships with the particulars, they have been stated and enforced by the noble and learned Lord, who spoke last but one, in a much more able and distinct manner than I could pretend to state them. If then we are the aggressors, it is your Lordships business to make the first overture. I say again, this country has been the aggressor. You have made descents upon their coasts; you have burnt their towns, plundered their country, made war upon the inhabitants, confiscated their property, proscribed and imprisoned their persons. I do therefore affirm, my Lords, that instead of exacting unconditional submission from the colonies, we should grant them unconditional redress. We have injured them; we have endeavoured to enslave and oppress them. Upon this clear ground, my Lords, instead of chastisement, they are entitled to redress. A repeal of those laws, of which they complain, will be the first step to that redress. The people of America look upon Parliament as the authors of their miseries, their affections are estranged from their Sovereign. Let then reparation come from the hands which inflicted the injuries; let conciliation succeed chastisement; and I do maintain, that Parliament will again recover its authority; that his Majesty will be once more enthroned in the hearts of his American subjects; and that your Lordships, as contributing to so great, glorious, salutary, and benignant a work, will receive the prayers and benedictions of every part of the British empire.

Lord Weymouth.

Lord *Weymouth* replied to the noble Earl, by observing that he was much obliged to him for his explanation; but, that every thing offered by his Lordship, being founded on a supposition that Great Britain was the aggressor: and that not appearing to him to be the case, every argument built on such a supposition, consequently fell to the ground. For his part, so far from this country being the aggressor, he was of opinion that we procrastinated measures of force too long, in hopes matters might be amicably adjusted without an appeal to arms. He denied, that if the present motion was rejected it would preclude all future hopes of conciliation. The contrary was much the more probable supposition; and though it were otherwise, it was impossible to prevent the evils meant to be deprecated by this or any resolution

lution taken at this late season of the year, as the campaign would be begun, and the operations commenced before any account of the present motion could reach America. His Lordship controverted, or directly denied the truth of several of the facts, stated in the course of the debate. He was certain that neither Deane nor Franklin were invited to the French court, nor were admitted to the anti-chamber at Versailles, or to confront, or affront, the British minister there. He said, that they might have had interviews with some of the French ministry, but he was well authorized to confirm what had been advanced by the noble Earl and noble Lord, who spoke on the same side, that France at no time stood on a more friendly footing with this court than at present.

Lord *Wycombe* [Earl of Shelburne.] asserted, that the Lord *Wycombe* doctrines held out in the sermon alluded to by the Dukes of *Grafton* and *Manchester*, were highly dangerous and reprehensible. He quoted parts of the discourse, and dared any Prelate to avow such doctrine in that House. His Lordship then took an extensive field of argument, and spoke relative to the state of France, the power of her navy, her connection with the Congress, and her intention at a proper opportunity to attack us. He denied in the most positive terms her being ingenuous in her professions of friendship. Have you, said his Lordship, insisted on Dr. Franklin and the other American deputies being sent from France? What answer have you received? Have you required the French ministers to shut their ports against the Americans as Portugal has done? Have you explicitly demanded, that all American privateers should be removed from the French ports, and not be permitted to revisit them, either with or without their prizes? What answers have you received? Does France prevent her officers from serving in the American army? Has she not at this time nineteen ships of the line completely fitted and lying at Brest, and 2000 seamen taken out of her Newfoundland vessels ready to man four more? Has she not six ships of the line fitted and ready for sea at Toulon, and several ships and 6000 troops at Hispaniola? Has not Spain a very capital fleet and army, completely manned and collected in Europe? Besides, has she not a considerable naval and land force in the West Indies? Will any noble Lord rise, and tell me these things are not so; and will the noble Lord at the head of the admiralty (notwithstanding his great promises at the beginning of the session)

session) now venture to inform your Lordships, that on a sudden emergency he could command more than ten ships of the line. My Lords, I will save the noble Lord the trouble of answering this question, by telling him, he could not. [Lord Sandwich silently acquiesced in this extraordinary declaration.] He said, every pretext of the ships which carried stores to America, being the adventures of private merchants, was fallacious, the private merchants of France were men of too little consideration to carry on such a trade; that 5000*l.* sterling was more than any French merchant could raise, that there was no comparison to be made between the French and the English merchants, that the first were as petty, as poor, and as insignificant as the second were wealthy and respectable. His Lordship declared, that having much leisure time, he had lately read a book entitled Political Papers, which treated of the public transactions in 1721, that in it he met with a passage which struck him much; Cardinal Alberoni, the writer of one of the letters, talking to his correspondent on the subject of a war with Spain, said, "As long as you can keep the Spanish forces in Sicily, so long will you be safe from any attack from Spain." This, added his Lordship, exactly suits the present times, France will let us convey all our men, and all our millions across the Atlantic, but will she suffer us to bring any of the former back again quietly. His Lordship denied that the Americans had all along aimed at Independency; he said the book which had been published under the title of Letters from the Marquis de Montcalm, in which that officer appeared to have sent word to Old France many years ago, that he discovered a spirit of independence in the people of New England, and that if the English did not take effectual care to curb and check it, it would one day burst forth to the cost of the mother country, had been discovered to be a forgery, and that the Marquis had never hinted such an idea. That the fact was, the Americans were exceedingly unwilling to declare themselves independent, nor did they adopt that measure till the severities of our acts of Parliament drove them to it; that we had step by step forced them to take up arms and declare war; that after having so done, what could be expected but that they should defend themselves as well as they were able. He declared that General Washington was at the head of a large army, and that after having spent three campaigns to so little purpose, after having suffered our brigades to lose their
vigour,

vigour, and to be so reduced that they were hardly fit for service, was it likely that we should be more successful this year than the last? His Lordship charged administration with holding out false lights to the people; he said the American secretary had declared, that there was so much difficulty in procuring men for the rebel army, that they were obliged to pay 30l. a man, that indeed he had afterwards owned his mistake, and said he meant 30 dollars, as he was no financier his mistake was pardonable, for surely it would be no greater fault in him not to know the difference between dollars and pounds, than it was for the great financier to mistake currency for sterling. Here his Lordship took occasion to complain of the carelessness of the treasury-board, in the making their contracts, and particularly mentioned that for rum, so severely handled in the House of Commons; he said he never heard so contemptible a defence as had been made for that business; but that the whole conduct of Administration was of a piece; they scandalously submitted to the most public insults from the French, both in Europe and in the West Indies; they were pitifully mean and pusillanimous towards the natural enemy of this kingdom, and barbarous, unjust and tyrannical towards their brethren and fellow subjects.

His Lordship answered Lord Gower and Lord Lyttelton on the ground of an independent majority, having supported the measures of administration for the last ten years; he said such assertions tended to deceive and mislead. That a majority within doors, and a majority without, were two matters essentially distinct. That no man more heartily revered the real, disinterested country gentlemen than he did. That early in life he had been taught to value and to esteem them; and that if he might quote the saying of a very able and respectable friend then near him, it would, he doubted not, convince their Lordships of the veracity of his assertion. His noble friend, many years since told him, "That he was better pleased with hearing a sensible and independent country gentleman talk for ten minutes, than with the finest speech that ever was uttered by an attorney general." "But" continued his Lordship, "there is a line to be drawn; every country gentleman is not independent; there are modes of corruption which have found their way even to the landholder, and he that has a vote is not always honest enough to avoid temptation." Taking the matter up, however, in the point of view, in which the noble Lords have placed it, is
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not the great support of the British nation commerce? If the streams of commerce are stopped, will not all ranks, and men of all occupations, feel the consequence; the tradesman, the shopkeeper, the mechanic, the manufacturer and the merchant, will not be the only sufferers, the country gentleman will find his land sink in value, in proportion as the country is drained of its wealth, and the means of encreasing it are lost: the country gentleman, therefore, forsakes his interest, and suffers himself to be made the instrument of his own destruction, in supporting measures which evidently tend to promote the destruction of commerce. His Lordship concluded with highly commending the motion, thanking the noble Earl for having made it, declaring his hearty concurrence with it, and recommending it to their Lordships as a motion which merited the support of the whole House.

Abp. of
York.

The Abp. of *York* rose in reply. He said, he was proud to find himself of so much consequence. He did not mean to speak to the question; but as he was up, he should say a word or two. He said, the passage in the sermon, alluded to by the noble Lord, would serve and answer his purpose. He always thought that America aimed at independence; at least they disclaimed any dependence upon the British Parliament; that their appeals to the King, in his mere regal capacity, as distinct from his Parliament, plainly pointed that out; and that the doctrines maintained in support of chartered rights, uncontrollable by Parliament, by which means a King may discharge any number of his subjects he pleases from the allegiance due to the other two branches of the legislature, was contrary to the fundamental principles of the constitution. He said, if he had described or pointed at any faction which did not exist in the state, he was content to bear the obloquy; or had maintained any doctrines that would not bear the test, he was ready to abide that degree of censure the offence merited. He trusted he had not. He did not suppose opposition would be willing to father all the doctrines imputed to the faction therein described; but as to the main ground for his reasons against the present motion, as well as those urged in the discourse, and on which he was well warranted in fixing a public stigma, they were to be found in the public protests and papers recorded in that House. He said, his way of life and mode of conducting himself, did not permit him to mix much with the world. He did not pretend to much knowledge of politicks, but

but what he had learned from books. The publication so severely censured contained his sentiments. He might be mistaken, but he was nevertheless sincere. He was naturally inclined to live quietly, and on a friendly footing with all mankind ; but there were insults of such a nature as not to be borne ; nor would he bear to be insulted by even the proudest Lord in that House.

Lord *Shelburne* observed, in reply, that the Right Rev. ^{Lord Shelburne.} Prelate had promulged those doctrines in a place where they could not be answered at the time ; which, among other reasons, was a very good one for abstaining from using the pulpit as a medium for conveying party or factious doctrines. He, on the other hand, had controverted them in the face of the whole nation, where, if he erred or misrepresented, the Right Rev. Prelate had every opportunity of confuting him, and defending his assertions. His Lordship then put him in mind of his want of good manners ; observed, that in his sermon the word *liberty* had stuck in his throat, being too hard for digestion. And added, that the greatest act of magnanimity in his Majesty was the removal from the tuition of his son, a man, who would not suffer the word *liberty* to be pronounced without a qualification.*
[Here a cry of Order ! Order !]

Lord

* “ It is the usual artifice of faction to look for something colourable, by which the ignorant and unwary may be deceived, and this is commonly affected, by the adoption of a false, or the misapplication of a true principle.

“ What is assumed upon the present occasion, is the glorious nature of liberty. Of this there can be no question ; and I hope, that no times will be so wretchedly debased, as to make it a question in this free country. It is certainly the first and most valuable of all human possessions. It realizes and secures all the rest ; and by those, who are in the enjoyment of it, ought to be maintained at all hazards. But it remains to be settled ; wherein does it consist ? I have sometimes thought it a misfortune, that a thing so valuable and important, should have no word in our language to express it, except one which goes to every thing that is wild and lawless.

“ If therefore we would avoid abusing our understanding with the ideas of savage liberty, which have no place in regulated society, we should use it with an addition, such as *legal*, or *civil* liberty. It seems to consist, in a freedom from all restraints, except such as established law imposes, for the good of the community,

Ld. Mans-
field.

Lord *Mansfield* by suddenly rising to speak put a stop to all further altercation, but said nothing new upon the subject. He maintained his former opinions, respecting the American views of independency; but relied more upon what was urged in *Montcalm's Letters*, which he insisted were

to which the partial good of each individual is obliged to give place.

“As there are in the nature of things, but two sorts of government; that of law, and that of force; it wants no argument to prove, that under the last, freedom cannot subsist. If it subsists therefore, it must be under law; and of necessity that law must be supreme; for if it is not supreme, its power must be abridged by its enemy, force. The foundation therefore of legal freedom, is the supremacy of law. It has been acknowledged as such, by all common-wealths from the beginning of the world; as the only power which can protect our rights from their natural adversaries, despotism and anarchy. These indeed have usually gone together, for no anarchy ever prevailed, which did not end in despotism.

“The passions of men are restless and enterprising, the occasions which time may present to them are innumerable, and the possible situation of things much more various, than any wisdom can foresee. But the supremacy of law is a steady and uniform rule, to which those, who mean well, may in all circumstances safely adhere.

“To those indeed, who mean delinquency, it is not very favourable. This they were aware of, and have therefore substituted another rule, by which every man's humour or interest is to be made the measure of his obedience.

“By this system of political rights, ambition, revenge, envy, and avarice, with the other bad passions, the controlling of which is the very intent and meaning of law, are all let loose; and those dear interests, for the protection of which we trust in law, are at once abandoned to outrage.

“It is wonderful that so weak a system should find stability, even in popular madness. It is wonderful that extreme folly should not be more innocent. But it is most wonderful that those who have any thing to lose, should adopt such a system.

“Do they hold their distinctions and fortunes by any other tenure, than that of law? and will they put them to the hazard, for the chance of gaining something better in the uproar?

“This would be a more desperate species of gaming, than any other which is known, even in these times. But nothing is too mean for the uses of parties, especially as they are now constituted. Parties once had a principle belonging to them, absurd perhaps, and

were not spurious; upon the preamble of the charter act, passed in the reign of King William, to the province of Massachusetts Bay; to the resolutions agreed to in a committee of the House of Commons, in 1732; to the writings of a gentleman who published a tract on the colonies in 1749; to two or three other speculative opinions, thrown out by a few private individuals, in which, Sir Josiah Child, in his Treatise on Trade, was included; than to any substantial proof drawn from their former or present conduct. The substance of his Lordship's argument (separated from his quotations) was, that the Americans had assumed to themselves, the dignity and rights of independent states. Would they descend from that proud situation to confer about terms of subordination? Certainly not. They must feel the superiority of your arms, before

and indefensible, but still carrying a notion of duty, by which honest minds might easily be caught.

“ But there are now combinations of individuals, who instead of being the sons and servants of the community, make a league for advancing their private interests. It is their business to hold high the notion of political honour. I believe and trust it is not injurious to say, that such a bond is no better than that, by which the lowest and wickedest combinations are held together; and that it denotes the last stage of political depravity.

“ There is another point, in the clearing of which the common cause of legal freedom is intimately concerned. Those, who maintain these doctrines, justify themselves by the glorious Revolution. Are the cases in any view similar? Or did the leaders in that great business act upon principles such as theirs? Many went into that enterprize, who were of different complexions and characters, and with very different designs and motives; some, who but little before, when they thought it their interest, were ready enough to have betrayed the constitution. But the best and honestest among them stood forth avowedly, as supporting the supremacy of law. Have these men done the same? or have they not, in every step of the American contest, assailed and insulted it? They have maintained, that a charter which issues from the King's sole pleasure, is valid against an act of Parliament. They have maintained, that a King of England has the power to discharge any number of his subjects that he pleases, from the allegiance that is due to the state.

“ They used their best endeavours to throw the whole weight and power of the colonies into the scale of the crown; but we thank God's good providence, that we had a prince upon the throne, whose magnanimity and justice were superior to such temptations. Of those men therefore they have taken the name, but not the principles, and have so far aspersed their memory.”

they will listen to you. The present is not a fit season to treat; try them, after this campaign, and then, if you are disposed to treat, take the large ground; but before you consent to such treaty, be sure that a disposition is begotten on both sides the water, to relax a little from mutual claims, and consent only to treat by commissioners; in order that the pulse of the leading people of America may be felt, and a certain knowledge acquired of what will compose the troubles of that country. This must be done before the subject of treating can properly come before Parliament. But for one of the contending parties, and that the highest and greatest, to begin pacific negotiations, by totally repealing all the statutes the other party complained of, was, his Lordship observed, what he could not give his assent to; because, he said, it was not only in the first instance sacrificing the dignity of Parliament and the nation to the unjust claims of the Americans, but it was placing them in a situation, to be treated with contempt, in case the Congress should tell you, they were independent states, and would not treat with any power on earth, who did not first acknowledge their independence.

Ld. Onslow. Lord *Onslow* rose to defend a noble Lord, in the other House [Lord North] from what had fallen from the noble Lord who spoke last but one. He insisted the charge was untrue. That the affair about the rum-contracts had been grossly and foolishly misrepresented in the news-papers; that the contract for rum had been made with all possible frugality, and lower than the navy contracts; and as to the blunder about currency and sterling, the noble Lord alluded to, had said at first it was sterling, but being contradicted, gave it up for the time. On his return home, he found, however, the first assertion, was right.

Earl of Shelburne.

Earl of *Shelburne* replied, that the noble Lord had misquoted his words; he never meant to impeach the integrity of the noble Lord who made the contract. The navy contracts which were now appealed to by the noble defender of his noble friend, were of a long standing, and the rum furnished was of a superior quality; and was given to make up for other articles furnished on disadvantageous terms. The matter was not to be controverted. He produced short notes, taken at the time of the debate, by which it appeared, that the contract made with the treasury was at 4s. 4d. and 5s. 3d. while the price of rum on the spot was no more than 1s. 9d. and Mr. Bayley, a member of the other House, rose at the

time, and offered to enter into a contract with either the noble Lord or the navy-board, at the rate of 2s. 2d. which was, at an average, about one half of the price charged in the contract which is now drawn into the present debate.

Lord *Onslow* in his reply, with the respect to the goodness of the rum, mentioned the praises bestowed on it by Sir William Howe for its superior quality, in a letter received at the treasury, and discrediting a positive fact by implication, on a probability that Mr. Bayley might, like other gentlemen in the heat of debate, offer what he never intended to perform; or what, on cooler reflection, he would wish to retract.

Lord *Abington* closed the debate, by desiring to know from some law authority, whether the law as to the trial of persons guilty of offences in America, and brought to this country to be tried, was really changed. No answer being given, the question was suddenly put, and the motion negatived by a majority of 99 to 88.

Adjourned to June 2.

June 2.

No debate.

June 3.

Private business. Adjourned to June 5.

June 5.

No debate.

June 6.

The King came to the House of Lords, and put an end to the session with the following speech.

My Lords, and Gentlemen,

The conclusion of the public business, and the inconvenience which I fear you must have suffered by so long an attendance, call upon me to put an end to this session of Parliament; but I cannot let you go into your several counties without expressing my entire approbation of your conduct, and without thanking you for the unquestionable proofs you have given to me, and to all the world, of the continuance of your attachment to my person and government, of your clear discernment of the true interests of your country, and of your steady perseverance in maintaining the rights of the legislature.

Gentlemen of the House of Commons,

I cannot sufficiently thank you for the zeal and public spirit with which you have granted the large and extraordinary supplies, which I have found myself under the neces-

sity of asking of my faithful Commons, for the service of the current year; and I must at the same time acknowledge the particular marks of your affection to me, as well in enabling me to discharge the debts contracted on account of my civil government, as in making so considerable an augmentation to the civil list revenue during my life.

My Lords, and Gentlemen,

I trust in the Divine Providence, that by a well-concerted and vigorous exertion of the great force you have put into my hands, the operations of this campaign by sea and land will be blessed with such success as may most effectually tend to the suppression of the rebellion in America, and to the re-establishment of that constitutional obedience which all the subjects of a free state owe to the authority of law.



LIST of the most material public ACTS
passed in the Third Sesson.

LAND Tax (4s.)
Malt tax.

To prevent mutiny and desertion.

For regulating the marine forces on shore.

To enable the Lords of the admiralty to grant letters of
marque.

To empower the King to imprison persons suspected of high
treason, committed in America or on the sea.

For cloathing the militia.

For regulating the election of the East-India directors.

For dividing Enfield Chase.

For exempting cattle from turnpike tolls, going to or from
water or pasture.

For the support of his Majesty's household and of the dig-
nity of the crown.

For allowing the exportation of wheat, &c. to the West and
East Indies.

For registering grants of life annuities and protection of
infants.

For allowing a draw-back on tea sent to Ireland.

For preventing the leaves of ash, elder, floe, &c. being ma-
nufactured in imitation of tea.

For restraining the negociation of promissory notes.

For raising a certain sum of money, by loans on exchequer
bill, for the service of the year 1777.

For the better supply of mariners and seamen, to serve in
his Majesty's ships of war, and on board merchant ships
and other trading ships and vessels.

To authorise the carrying of the captures therein mentioned
into any part of his Majesty dominions in North Ameri-
ca; and for ascertaining the value of such part of ships
and goods as belong to the re-captors.

To

To prevent the clandestine unshipping from, and receiving goods at sea on board vessels employed in the East India company's service; for ascertaining the manner of discharging bonds given for the due exportation of certain goods from Great Britain to foreign parts; and to oblige the masters of British or Irish ships sailing from any of his Majesty's dominions into the Baltic, to deliver a manifesto of their cargoes to the British consul residing there.

For repealing the eleventh rule in the book of rates, so far as the same relates to making any allowance upon the importation of damaged currants and raisins, and for making the importer of such goods an abatement in the duties in lieu thereof; and for explaining the said rule, with respect to such allowance for damage on other goods; and to permit the exportation of tobacco-pipe clay from this kingdom to the British sugar colonies or plantations in the West-Indies for a limited time.

For better securing the duties on soap, and the duties on rum of the sugar plantations put into warehouses; and for allowing a draw-back of the duties on rum shipped as stores, to be consumed on board merchant ships on their voyages, for a limited time.

To continue the several laws therein mentioned, relating to encouraging the making of indico in the British plantations in America; to the registering the prices at which corn is sold in the several counties of Great Britain, and the quantity exported and imported; to encouraging the manufacturing of leather, by lowering the duty payable upon the importation of oak bark, when the price of such bark shall exceed a certain rate; to the allowing timber and wood to be exported from the island of Dominica, into any other of the British islands, colonies, or plantations in America; and to the allowing a bounty on the exportation of British-made cordage.

For further continuing an act, passed in the sixth year of his present Majesty's reign, intituled, "An act to prohibit the importation of foreign-wrought silks and velvets, for a limited time, and for preventing unlawful combinations of workmen employed in the silk manufacture."

To allow the master dyers, within the counties of Middlesex, Essex, Surrey and Kent, to employ journeymen in their trade who have not served apprenticeships thereto.

For prevent abuses in making and vending bricks and tiles.

For

For allowing further time for inrollment of deeds and wills made by Papists ; and for relief of Protestant purchasers.

To indemnify such persons as have omitted to qualify themselves for offices and employments ; and to indemnify justices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes ; and to indemnify members and officers, in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to law, or, having been stamped, have been lost or mislaid ; and for allowing them time to provide admissions duly stamped ; and to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors.

For amending and rendering more effectual the several laws now in being, for the more effectual preventing of frauds and abuses by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, and silk manufactures ; and also for making provisions to prevent frauds by journey-men dyers.

For enabling his Majesty to raise the sum of one million, for the uses and purposes therein mentioned.

For raising a certain sum of money, by way of annuities ; and for establishing a lottery.

For granting to his Majesty a duty upon all servants retained or employed in the several capacities therein mentioned ; and for repealing several rates and duties upon glass, imposed by an act made in the nineteenth year of the reign of his late Majesty ; and for granting to his Majesty other rates and duties upon glass in lieu thereof, and for the better collecting the duties upon glass ; and for repealing the several rates and duties charged by an act made in the twenty-ninth year of the reign of his said late Majesty, upon all persons and bodies politic and corporate, having certain quantities of silver plate.

For granting to his Majesty certain duties on licenses, to be taken out by all persons acting as auctioneers ; and certain rates and duties on all lands, houses, goods, and other things sold by auction ; and upon indentures, leases, bonds, deeds, and other instruments.

For

For granting to his Majesty a certain sum of money out of the sinking fund ; and for applying certain monies therein mentioned, for the service of the year one thousand seven hundred and seventy-seven ; and for further appropriating the supplies granted in this session of Parliament.

To promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices.



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End of the Seventh Volume

The Parliamentary Register; Or, History Of The Proceedings And Debates Of The House Of Commons Containing An Account Of The most interesting Speeches and Motions; accurate Copies of the most remarkable Bills, Letters and Papers; of the most material Evidence, Petitions, &c. laid before and offered to the House, During the Second Session of the Bd.: 7,[2].

London (1777)

Brit. 454-7,1/2

urn:nbn:de:bvb:12-bsb10476562-0